

Initial Draft

Charity No. 283617

**THE CHARITY KNOWN AS
"COBTREE MANOR ESTATE"**

**Corporate Trustee Report and Financial Statement
for the Year Ended 31 March 2013**

Trust Information

Corporate Trustee

Maidstone Borough Council

Trustees

There are no individual Trustees. All elected Members of the Maidstone Borough Council perform the duties of Trustees, but are not trustees in their own right. A full list of Members is available on request.

Charity Number

283617

Principal Office

Maidstone Borough Council
Maidstone House
King Street
Maidstone, Kent. ME15 6JQ

Auditors

King & Taylor
Joynes House
New Road
Gravesend
Kent DA11 0AT

Bankers

All funds are managed by Maidstone Borough Council at:

Lloyds TSB Bank plc
City Bank Office
Bailey Drive
Gillingham
Kent
ME8 0LS

Solicitors

Head of Corporate Law and Legal Services
Maidstone Borough Council
Maidstone House
King Street
Maidstone, Kent. ME15 6JQ

APPENDIX A

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Trustees Report

The Maidstone Borough Council acting as Corporate Trustee to the registered Charity known as "Cobtree Manor Estate" presents its annual report in relation to the financial year ending 31st March 2013.

Trustees

The trustees who served during the year are shown on the information page.

OBJECTIVES AND ACTIVITIES

Governing Object

The governing object of the Charity remains that defined in the lease of the Cobtree Estate dated 13 July 1971 between the Cobtree Charity Trust Limited (the lessor) and the Maidstone Borough Council (the lessee). The governing object is stated as:

"To hold Cobtree Manor and Cobtree Manor Estate for the benefit of the inhabitants of Maidstone and other members of the general public in one or other or all of the following ways:

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

Object of the Charity

The late Sir Garrard Tyrwhitt-Drake bequeathed his former estate to the Cobtree Charity Trust Limited and set down in the codicils to his Will requirements for its future use. In seeking to interpret these, sometimes conflicting, codicils the Maidstone Borough Council and Cobtree Charity Trust Limited agreed that the Estate in its entirety, and the intended charitable objects, should be leased to and governed by, the Maidstone Borough Council.

The Maidstone Borough Council, as Corporate Trustee to the Charity, has determined and regularly reviews a series of policies to guide the actions of its Members and employees in fulfilling the governing object of the Charity.

Members of the Cobtree Manor Estate Charity Committee manage all aspects of the Charity on behalf of the Council. Informal liaison continues with the Trustees to the Cobtree Charity Trust Limited, particularly with regard to considering potential developments. Members of the Cobtree Charity Trust Limited are invited to attend the meetings of the Cobtree Manor Estate Charity Committee.

ACHIEVEMENTS AND PERFORMANCE

Changes since the last Report

The Cobtree Charity Committee continues to comprise of four Members of the Cabinet. The Members of the Committee during the reporting year were Councillors John A. Wilson (Chairman), Christopher Garland, Eric Hotson, and Malcolm Greer. In common with the operation of all Cabinet decisions, those of the Charity Committee were subject to the scrutiny of other Council Members. No decisions of the Committee relating to the Cobtree Estate were called in for scrutiny.

Organisation of the Charity

The Trustee to the Registered Charity known as the Cobtree Manor Estate remains the Corporate Body of the Maidstone Borough Council. How the functions of the Corporate Trustee are implemented is reiterated in the section above.

All individual elected Members to the Maidstone Borough Council are instructed to perform any duties and responsibilities they have in relation to the charity as though they were acting as individual trustees; albeit that they are not individual trustees in Charity Law. All elected Members and Officers of the Council are reminded of the Council's obligations to the Charity and how these need to be considered quite separately from the normal duties of the Council acting as the Local Authority. An A to Z "aid memoir" is made available to all Members and Officers via the Council's internal intranet site.

Under the terms of the lease upon which the Charity holds the Cobtree Manor Estate, and in the specified circumstances, the Council continues to liaise with both the freehold owner of the Estate, the Cobtree Charity Trust Limited, and the Kent County Council.

Advice to Trustees

The advice for trustees published by the Charity Commission is given to new members of the charity committee and new guidance is notified and made available to them as it is received from the Commission. Committee members have free access to all members of staff to ensure that they can be fully aware of the special considerations, activities and implications of, and for, the charity.

Activities

The following paragraphs are included to demonstrate how the Charity is meeting its obligation to provide a public benefit. The primary activities of the Charity are to manage and maintain two facilities to which the general public have access:

- § the Cobtree Manor Park – which is a parkland environment with woodland and meadows containing a wide variety of trees and shrubs and which is freely accessible to the general public, and
- § the Cobtree Manor Park Golf Course - which is a pay and play facility accessible to all.

Cobtree Golf Course

The following activities and works were completed on the Cobtree Manor Park Golf Course during the reporting year to enhance the attractiveness of the facility and to ensure its availability to the general public:

Year	Rounds Played	No. of Registrations
2008/2009	40,187	875
2009/2010	43,913	952
2010/2011	41,784	597
2011/2012	43,516	498
2012/2013	36,006	576

Whilst roundage figures have dropped this has been a reflection of the weather over the previous year, and the slow decline in golf as a recreation nationally. Cobtree continues to be one of the top performing courses in the MyTime group.

There have been no notable works carried out over the past year other than continuous ongoing bunker improvements. Improvements to the golf course continue to remain a high priority for the Charity. Future investment will continue to be in partnership with the contract operator; the objective is to ensure that the quality of the course remains protected and thus ensure that the course remains successful and accessible to the people of Maidstone and the surrounding area.

The contract payment to the Council continued to fund the maintenance of the Estate and will be used to contribute towards the proposed improvements programme for the Cobtree Manor Park. Discussions regarding the 5 year extension of the lease with MyTime are ongoing.

Cobtree Manor Park

The following works and activities were carried out to enhance the appeal of Cobtree Manor Park to attract a greater numbers of visitors.

Phase one of the Cobtree Master Plan improvement plan, the installation of the outlying play equipment was completed. Phase 2 of the improvement plan was implemented and almost finished by the end of the financial year 2012/2013.

Volunteers continue to contribute man-days of effort to help with both practical and research tasks. Members of the general public contributed a total 154 hours of voluntary effort.

The events programme included 29 events (mostly themed guided walks) and these were attended by 446 people.

One work placement student from Hadlow College worked one day a week during term time (voluntary work, hours included above).

Three thousand free information leaflets advertising the events programme for the coming year were designed, printed and distributed.

The following works relating to the park were carried out:

- Installation of the "7 Ages" sculpture seat by Will Glanfield
- installation of nine pieces of play equipment in early summer 2012
- further coppicing of selected shrubberies
- full inspection of trees over 300mm survey followed by tree surgery, as recommended by the consultant
- construction of the zoo-fort play area
- enlargement of the car parking area from 100 car spaces to 150 in the main car park and 35 in the overflow car park
- construction of a network of hard footpaths

There was one incident of criminal damage reported to police and a few incidents of very minor vandalism.

Footfall, as estimated by weekly car count on Wednesday at 1pm, in 2012/2013 was up by 15% on the 12 months of the 2011/12 period. However the 6-week period of the summer holidays showed a 105% increase (2012 compared to 2011).

Footfall as shown by the gate counters in the 10 months since installation (1st June 2012 to 31st March 2013) was 156,445 averaging 15,644 per month.

Property

The following figures were spent on maintenance:

Cobtree Manor Park

Reactive: £5,511

Planned: £6,643

Of this reactive maintenance work on 4 Stream Cottages was £2,971.

Golf Course

Reactive: £59

Planned: £6,439

Renovations to 4 Stream cottages reflect the requirement to bring the property up to standard to enable re-letting. The cost in the rent has doubled to reflect current market value and will cover this initial outlay within 4 months.

Volunteer Help and Intangible Income

The volunteer help given on the estate is referred to above; it is most probable that the Kent Wildlife Trust and the Museum of Kent Life Trust will have continued to receive such assistance in the pursuit of their activities.

Review of Public Benefit

The Trustee continues to consider and ensure that the Charity meets its requirement to comply with the test of public benefit. Cobtree Manor Park remains freely accessible to the general public and the pay and play golf course is accessible to all those who wish to take advantage of its facilities at reasonable cost.

Related Party Disclosure

The Maidstone Borough Council is the Corporate Trustee of the Charity. In addition the Council itself owns part of the land upon which the Cobtree Manor Park Golf Course is built. The accounting arrangements between the Council and the Charity are that the Council is responsible for all receipts and payments for both the golf course and the Cobtree Manor Park. At the end of each financial year the total net operating surplus or deficit of the Manor Park is transferred to the Charity accounts. For the golf course 7/9ths of the total net operating surplus or deficit is transferred to the Charity accounts, reflecting the split of land ownership. The remaining 2/9ths are shown in the accounts of the Council.

The Council also employs a Park Ranger at the Manor Park and a Cobtree Officer. These posts exist solely for the benefit of the Charity and the cost for each is shown in the Charity accounts under the arrangements specified above. Other officers of the Council are engaged from time to time in duties specifically related to the operation and management of the Estate; their time and associated costs are apportioned accordingly to the Cobtree accounts.

FINANCIAL REVIEW

Financial Review and Investment Policy

The operational net surplus generated as per the Statement of Financial Accounts is now reinvested in the Estate following the repayment of the debt to Maidstone Borough Council.

Interest due to the Charity in respect of the permanent endowment held on the Charity's behalf by the Borough Council is included as part of the unrestricted income.

The Trustee has now determined its preferred future development option for the Cobtree Manor Park; it is now seeking to identify sources of funding to implement this option.

Reserves Policy

Restricted reserves are maintained in respect of the permanent endowment funds.

Risk Management

The Trustee continues to review the business and operational risks which the Charity faces, and identifies where appropriate steps to minimise the impact of any identified risks. All contractors working on the Estate are also required to undertake risk assessments appropriate to their activities.

PLANS FOR FUTURE PERIODS

The Trustee has now begun the implementation of a revised master plan for the Cobtree Manor Park and has obtained permission from the Charity Commission for the use of reserve funds for its implementation. The second phase of the master plan is due to be completed in the coming financial year with the third phase also being

scheduled to begin in this period.

Trustees' responsibilities

The Trustee is responsible for preparing the financial statements in accordance with applicable law and the United Kingdom Generally Accepted Accounting Practice.

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. In preparing these statements the Trustee is required to:

- select suitable accounting policies and apply them consistently;
- make judgements and estimates that are reasonable and prudent;
- state whether applicable accounting standards have been followed, subject to any material departures disclosed and explained in the financial statements;
- prepare the financial statements on the going concern unless it is inappropriate to presume that the Charity will continue in business.

The Trustee has overall responsibility for ensuring that the Charity has appropriate systems of controls, financial and otherwise. It is also responsible for keeping proper accounting records which disclose with reasonable accuracy at any time the financial position of the Charity and to enable them to ensure that the financial statements comply with the Charities Act 1993. It is also responsible for safeguarding the assets of the Charity and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.

This report was approved by the Trustee on And signed on its behalf by

Councillor
Chairman of the Cobtree Manor Estate Charity Committee