

**MAIDSTONE BOROUGH COUNCIL**

**RECORD OF DECISION OF THE COBTREE MANOR ESTATE CHARITY  
COMMITTEE**

Decision Made: 14 August 2013

**KENT LIFE - MANAGEMENT CONTRACT**

**Issue for Decision**

To consider entering into a management agreement for the operation of the Kent Life visitor attraction with the current operator, Continuum Kent Life Ltd, for the period 30 September 2013 to 31 March 2016.

**Decision Made**

- (a) That the Heads of Terms of the management agreement for the operation of the Kent Life visitor attraction, as set out in exempt Appendix A to the report of the Cobtree Officer, be approved;
- (b) That the Head of Legal Services be given delegated authority, in consultation with the Chairman of the Cobtree Manor Estate Charity Committee, to make any necessary minor changes to the Heads of Terms referred to above and to then enter into an agreement with Continuum Kent Life Ltd (Continuum) to operate the Kent Life visitor attraction on behalf of the Cobtree Manor Estate Trust (CMET) in accordance with the Heads of Terms and any subsequent minor changes;
- (c) That the Head of Legal Services be given delegated authority, in consultation with the Chairman of the Cobtree Manor Estate Charity Committee, to agree with Continuum any necessary minor changes to the specification relating to the management and operation of the Kent Life visitor attraction, as set out in exempt Appendix B to the report of the Cobtree Officer, before it is attached to the agreement for the operation of the facility, but otherwise the specification be approved;
- (d) That the Heads of Terms for dealing with the dilapidations claim and the surrendering of the sub-leases to Kent County Council and the Museum of Kent Life Trust, as set out in the exempt Appendix C to the report of the Cobtree Officer, be approved;
- (e) That the Head of Legal Services be given delegated authority, in consultation with the Chairman of the Cobtree Manor Estate Charity Committee, to agree with Kent County Council any necessary minor

changes to the Heads of Terms of the Deed of Surrender referred to in exempt Appendix C to the report of the Cobtree Officer;

- (f) That the Head of Legal Services be authorised to enter into the Deed of Surrender referred to in paragraph (e) above when the terms have been settled; and
- (g) That the implementation and monitoring of the management agreement be overseen by the Cobtree Officer.

### **Reasons for Decision**

On 14 November 2012, the Committee received details of the Heads of Terms relating to an agreement for Continuum to operate the Kent Life visitor attraction on behalf of CMET. Since that time, Continuum has extended its arrangements with the Museum of Kent Life Trust until the end of September 2013.

Following extended negotiations, the original Heads of Terms have changed, particularly the length of term, which is now the end of March 2016. This will allow a thorough review of the operation and time to prepare a suitable procurement strategy for the future. There is also a proposal to invest in new attractions for the site if a suitable business case can be provided. The revised terms are set out in exempt Appendix A to the report of the Cobtree Officer.

In addition, the specification has now been drafted and this is attached as exempt Appendix B to the report of the Cobtree Officer. This specification is still in draft form with outstanding minor issues to be agreed with Continuum.

In order to comply with the Council's Contract Procedure Rules, a waiver has been agreed to enable the management agreement to be entered into with Continuum until the end of March 2016 without conducting a competitive tendering process.

During the period of the agreement, the operation of the site will be reviewed and recommendations for its future operation will be reported to the Committee for consideration.

As stated in the November 2012 report, it is likely that the sub-leases granted to Kent County Council and the Museum of Kent Life Trust will be surrendered. Officers have provisionally discussed the surrendering of the two sub-leases with Kent County Council, including the way in which the dilapidations claim on behalf of the Charity is met. The terms of agreement for the Deed of Surrender are set out in exempt Appendix C to the report of the Cobtree Officer.

The Charity's technical, legal and financial Officers are satisfied that these arrangements represent the best deal given the complicated circumstances and, if agreed, will allow the Kent Life visitor attraction to remain in operation with the improved likelihood of future success. In addition, CMET will regain control of the site and other adjacent land.

## **Alternatives Considered and Why Rejected**

The Heads of Terms and specification could be rejected, but this may result in the Kent Life visitor attraction closing down with the loss of 30 jobs, unless CMET manages it directly until a procurement exercise can be undertaken. However, CMET has no experience of running such a facility and if it has to consider doing so, the risks would increase significantly, not least to CMET of which the Borough Council is the Corporate Trustee. The proposal provides a benefit for both parties and is considered to be the best way forward given the complex set of circumstances explained in the November report.

## **Background Papers**

None.

Should you be concerned about this decision and wish to call it in, please submit a call in form signed by any two Non-Executive Members to the Head of Policy and Communications by: 23 August 2013.
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