

LEAD MEMBER FOR LEISURE AND ARTS MEETING

Date: Friday 14 April 2023
Time: 12.30 p.m.
Venue: Maidstone House, King Street, Maidstone

Membership: Councillor Russell

<u>AGENDA</u>	<u>Page No.</u>
1. Urgent Items	
2. To consider whether any items should be taken in private because of the possible disclosure of exempt information	
3. Minutes of the meeting held on 16 December 2022	1 - 5
4. Mote Park Kiosk	6 - 15

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Issued on Tuesday 4 April 2023

Alison Broom

Alison Broom, Chief Executive

MAIDSTONE BOROUGH COUNCIL

LEAD MEMBER FOR LEISURE AND ARTS

MINUTES OF THE MEETING HELD ON 16 DECEMBER 2022

Present: Councillor Russell – Lead Member for Leisure and Arts

8. URGENT ITEMS

There were no urgent items.

9. EXEMPT ITEMS

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

10. MINUTES OF THE MEETING HELD ON 18 NOVEMBER 2022

RESOLVED: That the Minutes of the meeting held on 18 November 2022 be approved as a correct record and signed.

11. MAIDSTONE MUSEUMS GOVERNANCE

RESOLVED:

1. That Maidstone Museum and Maidstone Carriage Museum (collectively known as Maidstone Museums) remain as directly provided services within Maidstone Borough Council.
2. That Maidstone Museums continue to work with the Queen's Own Royal West Kent Regiment Museum Trust and the Bently Wing Trust.
3. That Officers ascertain the intention of the Trustees of the Brenchley Trust in relation to the future of this Trust.
4. That arrangements with the Maidstone Museums' Foundation and Kent Archaeological Society be formalised by means of Memoranda of Understanding.
5. That the governance arrangements in respect of the Maidstone Museums be reviewed in three years' time.

See Record of Decision

12. DURATION OF MEETING

12.35 p.m. to 12.45 p.m.

MAIDSTONE BOROUGH COUNCIL

RECORD OF DECISION OF THE LEAD MEMBER FOR LEISURE AND ARTS

Decision Made: 16 December 2022

Maidstone Museums Governance

Issue for Decision

Maidstone Museums operate as an in-house Council service but there are a number of Trusts associated with the Museums. The Council reviewed these governance arrangements in 2017, when it was decided by the former Heritage, Culture and Leisure Committee to retain the current governance arrangements.

Given the elapse of time since 2017, it is appropriate to review these arrangements.

Decision Made

1. That Maidstone Museum and Maidstone Carriage Museum (collectively known as Maidstone Museums) remain as directly provided services within Maidstone Borough Council.
2. That Maidstone Museums continue to work with the Queen's Own Royal West Kent Regiment Museum Trust and the Bentrif Wing Trust.
3. That Officers ascertain the intention of the Trustees of the Brenchley Trust in relation to the future of this Trust.
4. That arrangements with the Maidstone Museums' Foundation and Kent Archaeological Society be formalised by means of Memoranda of Understanding.
5. That the governance arrangements in respect of the Maidstone Museums be reviewed in three years' time.

Reasons for Decision

Maidstone Museums consist of three Museums: Maidstone Museum, Queen's Own Royal West Kent Regiment Museum (QORWK) and the Tyrwhitt-Drake Museum of Carriages (The Carriage Museum). Both the Maidstone Museum and the QORWK Regiment Museum are located in the Grade 2* listed Museum building on St Faith's Street, Maidstone. The Tyrwhitt-Drake Carriage Museum is located within a Grade 1 listed tithe barn, ten minutes' walk from the main Museum building. The Museums operate as an in-house Council service and are fully integrated with the rest of the Council services, with the staff employed by the Council.

The vast majority of the 650,000 items in the Museums are owned directly by the Council. However, the Museums also house collections associated with three separate Charitable Trusts.

Queen's Own Royal West Kent Regiment Museum Trust

The Council is sole Trustee of the Regiment Museum Trust. The Trust's assets have transferred to the Council, but the Council retains responsibility for managing, curating and insuring the Collection.

The Brenchley Trust

The Brenchley Trust was established to maintain, preserve and exhibit a Collection of objects of Natural History, Mineralogy and Ethnography presented by J L Brenchley to the Maidstone Museum. The assets have transferred to the Council, but the Council is responsible for the care, management and accreditation of the Collection.

The Bentlif Wing Trust

The Bentlif Wing Trust was established in the nineteenth century to manage the then newly constructed East Wing of the Museum, including a Collection owned by the Trust, and was endowed by the Bentlif family with funds for this purpose. Over the years these funds have reduced, and the Council took over the day-to-day running and maintenance of the East Wing. When the Council decided to renew the East Wing in 2009, a Deed of Variation to the Trust was signed, giving the Council an obligation to conserve and store the Bentlif Collection and to provide cleaning, maintenance, supervision and security for the Bentlif Wing and its Collection. Curatorial services are provided by the Council, as are legal, minuting, and financial services. The Deed gives the Trust control of access and use of some rooms within the building.

In addition, the Museum is supported by the Maidstone Museums' Foundation (MMF). MMF is an independent Charity supporting the Museum by raising money for projects and educational activities.

Finally, the Museum has, since the nineteenth century, leased space on the premises to the Kent Archaeological Society.

In March 2018 Members voted to retain the existing governance arrangements of the Maidstone Museums. A report to the Heritage, Culture and Leisure Committee at that time considered the options for finding a new method of governance for Maidstone Museums. In summary, the report found that, while transfer of all the activities into a single, overarching Charitable Trust could bring some, longer-term, strategic advantages to the Museums, it would not benefit the Council as a whole since financial investment would be required at a time when savings were being sought. Thus, Members elected to retain the Museums as they were, but they requested that Officers continue to monitor the Museum sector, any changes to the status of Charitable Trusts and anything else that might cause the decision to be reconsidered.

Since 2019, the impact of the Covid 19 pandemic and subsequent economic downturn has impacted all Museums, but independent Museums have been particularly hard hit with staff furloughed or laid off, income generation reduced and loss of core funding from local authority partners and Arts Council England. Those at risk have included The Royal Cornwall Museum, Metropolitan Police Heritage Centre and Fort Paul Military Museum.

One of the original drivers of the consideration of moving the Museums to trust status was financial. Based on the available evidence, potential savings of £200,000 were identified.

In the event, without changing the governance arrangements, over £152,000 savings have been made since 2017 through restructuring the Museum Service. In addition, a successful Business Rates appeal reduced the Museums' rateable value from over £200,000 to £56,000, creating more savings for the Council.

In the meantime, the following steps have been taken to streamline the arrangements relating to the Trusts associated with the Museums.

Dissolution of the Queens Own Royal West Kent Regiment Museum Trust has been considered, but by extinguishing the obligation to manage the associated Collection, it would require its removal from the Museum and disposal of the artefacts. The Trustees did not wish to take this step. Instead, they have agreed that the Trust will meet just once a year to receive a report from the Director of the Museum and the Head of Finance or their representative.

A similar move to dissolve the Brenchley Trust has been considered. In this case, as there are no particularly sensitive assets associated with the Trust, this is feasible. The process has been delayed because of the death of the Trust's Chairman and consequent lack of Trustees. It is proposed to appoint new Trustees who would consider whether it is appropriate to wind up or continue with the Trust.

The Bentlif Wing Trust has no wish to dissolve itself, and, indeed, the Trustees are keen to work with Maidstone Museum to make their Collection more accessible to the public. There are vacancies on the Trust, and it is intended to work with the existing Trustees to recruit new Trustees who have an interest in the Collection and its historical context, and who share the Trust's aspirations. It is therefore proposed to continue working with the Bentlif Wing Trust as laid out in the legally binding agreement of 2009.

Memoranda of Understanding have been agreed with the two related organisations, Maidstone Museums' Foundation and Kent Archaeology Society, to put the Museums' relationship with them on a more formal basis. Advice will be obtained from the Contracts team to ensure that they are in line with the Council's Procurement Standing Orders.

In general, since Members took the decision to retain control of Maidstone Museums, there have been no significant changes in the Museum landscape or in charity law which would necessitate Members reviewing their previous decision, especially as the financial target, which was an element of the investigation into Trust Status, has now been met by other means and work to simplify other arrangements is well underway.

Consultation Results and Previous Committee Feedback

Previous reports approved by Members of the then Heritage Culture and Leisure and Economic Regeneration and Leisure Committees are available.

This issue was considered by the Economic Regeneration and Leisure Policy Advisory Committee at its meeting held on 6 December 2022. The Committee

supported the proposals set out in the report and wished to add a further recommendation that the governance arrangements in respect of the Maidstone Museums be reviewed in three years' time. This is reflected in the decision set out above.

Alternatives Considered and Why Rejected

1. To endorse the earlier decision of the Heritage, Culture and Leisure Committee and continue to carry out the Museums' Five-Year Forward Plan as agreed by the Executive Member in July 2022, with the Museums continuing to form part of Maidstone Borough Council with the existing governance arrangements, but with some minor modifications. The position to be reviewed in three years' time.
2. To pursue the idea of transferring the Museums to an independent Trust.

It is proposed that the Museums continue to provide a wide-ranging service as part of Maidstone Borough Council as no financial or logistical benefit would accrue to the Council for a change at this time and that the existing governance arrangements continue in place with some minor modifications, with the position to be reviewed in three years' time.

Background Papers

None

I have read and approved the above decision for the reasons (including possible alternative options rejected) as set out above.

Signed: _____

Lead Member for Leisure and Arts – Councillor Claudine Russell

Full details of the report for the decision and any consideration by the relevant Policy Advisory Committee can be found at the following area of the [website](#).

Call-In: Should you be concerned about this decision and wish to call it in, please submit a call-in form signed by any three Members to the Proper Officer by: **5pm on 23 December 2022**

Agenda Item 4

LEAD MEMBER FOR LEISURE AND ARTS

14 April 2023

Mote Park Kiosk

Timetable	
Meeting	Date
Economic Regeneration and Leisure PAC	4 April 2023
Lead Member for Leisure and Arts	14 April 2023

Will this be a Key Decision?	No
Urgency	Not Applicable
Final Decision-Maker	Lead Member for Leisure and Arts
Lead Head of Service	Katie Exon, Head of Property and Leisure
Lead Officer and Report Author	Mike Evans, Leisure Manager
Classification	Public report
Wards affected	All

Executive Summary

The toilet block and kiosk in the northern section of Mote Park, near to the water sports centre, requires upgrading to provide services to park users and to extend the life of the building. The upgrade offers the opportunity to deliver some key elements of the Council's vision for a sustainable future for Mote Park.

Purpose of Report

Decision

This report makes the following recommendations to the Lead Member on the Executive for Leisure and Arts:

1. That the option to proceed with the facility mix as depicted in the indicative design be approved;
2. That the Director of Finance, Resources and Business Improvement be given delegated authority to submit relevant planning applications, lead a procurement process and invite tenders for the delivery of the works in accordance with the total project budget; and

3. That after the completion of the tender process, delegated authority is given to the Head of Mid Kent Legal Services to enter into such contracts as required to complete the contract award.
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Mote Park Kiosk

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 <i>A Thriving Place</i> and <i>Safe, Clean and Green</i> objectives. We set out the reasons other choices will be less effective in sections 2 and 4.</p>	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 the health inequalities, deprivation and social mobility, and environmental sustainability cross cutting objectives.</p>	Leisure Manager
Risk Management	Refer to section 5 of the report.	Leisure Manager
Financial	Accepting the recommendations will demand new spending. We plan to fund that spending as set out in the approved Medium-Term Financial Strategy and capital programme.	Senior Finance Manager (Client Team)

Staffing	We will deliver the recommendations with our current staffing.	Head of Property and Leisure
Legal	Acting on the recommendations is within the Council's powers as set out at within various Local Government Acts.	Senior Lawyer (Corporate Governance)
Information Governance	The recommendations do not impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council processes.	Information Governance Team
Equalities	The recommendations will create plans and proposals which will lead to changes in service, therefore equalities impact assessments will be completed alongside the plans as they are developed.	Equalities & Communities Officer
Public Health	We recognise that the recommendations will have a positive impact on population health and wellbeing and also that of individuals.	Leisure Manager
Crime and Disorder	The recommendations will guard against crime and disorder.	Leisure Manager
Procurement	On accepting the recommendations, the Council will then follow procurement procedures. We will complete those exercises in line with financial procedure rules.	Head of Property and Leisure & Section 151 Officer
Biodiversity and Climate Change	The implications of this report have been considered and there are multiple opportunities, through the recommendations, to greatly reduce utilities and carbon emissions, reduce water wastage, and make positive impacts on biodiversity and climate change in the borough.	Biodiversity and Climate Change Manager

2. INTRODUCTION AND BACKGROUND

2.1 The kiosk in Mote Park has remained unchanged for many decades. It was originally built with men's and women's toilets and a small refreshments kiosk. The kiosk was last leased in 2017 as part of the lease to the old Mote Park Café, however the tenant did not use it as intended because of the age of the facility and the overheads associated with maintaining the property for only seasonal usage. Instead, the operator operated a mobile refreshments vehicle positioned in front of the building.

- 2.2 The toilets are traditional in design, in that they are arranged in one large room for men and one large room for women. In this location, the arrangement has been problematic because it can attract anti-social behaviour and any maintenance problems render the whole block out of action.
- 2.3 Toilet facilities are needed in this northern section of Mote Park and upgrading the block will allow provision to be made for the ever-increasing number of Mote Park visitors.
- 2.4 There are a number of other elements of the Council's vision for a sustainable future for Mote Park that can be realised by upgrading the block.

Water Sports

- 2.5 The water sports centre offers a range of water-based leisure activities for beginners and serious paddlers, but is lacking changing facilities. Feedback from the current operator and his users (schools) have shown that we need to improve the current offer to include changing and WC facilities. The water sports centre is operated under a one-year rolling licence. With improved facilities, we can secure a new, longer tenancy and charge a commensurate fee.

Mote Park Fellowship

- 2.6 The Mote Park Fellowship, along with other community and volunteer groups, has a vital role in the park. Members of the Fellowship volunteer in the park and help with maintenance and various projects all year round. Their charitable status allows them to raise funding in a way that the Council cannot. It was originally intended that provision for the Fellowship would be made in the new Estates building in the Park but this has not proved possible. A designated space would be created in the kiosk for the Fellowship. The Fellowship would be good custodians for the building and would help dissuade anti-social behaviour.

Cygnets Model Boat Club

- 2.7 This group operates in Mote Park Lake under a licence from the Council. Following works on the Mote Park Dam, this group currently has temporary arrangements for storing their equipment. Provision in the kiosk would provide an alternative. The Club's licence would be updated to reflect the Council's current vision for the Park and to provide them with suitable accommodation. If it is not possible to agree a new licence, the space in the kiosk designated for the Model Boat Club would be re-purposed.
- 2.8 The layout for the refurbished block incorporates the following features.
 - Two individual unisex toilet units will be created. These will be easier to manage and maintain in this location and any problems will be confined to a single unit. They can be designed to modern building regulations and be fully accessible for all park users. They will be step-free and suitable for those with mobility issues. They will each

have baby change facilities and be big enough to take a pushchair inside.

- The kiosk section, no longer ideal for providing catering, would be repurposed. Electrical outlets can be provided so that mobile catering can be deployed from this location on a temporary basis without the need for generators. This is a much more sustainable and environmentally-friendly way of providing catering in this area of the park.
- The space saved by repurposing the kiosk and reducing the overall floor plan of the public toilets can be used to create changing rooms for the water sports centre and community space for the Mote Park Fellowship and (subject to issue of a new licence) the Cygnets Model Boat Club.

Planning and finance

2.9 Pre-application planning advice is being sought on the indicative design and a planning application can be submitted, subject to the recommendations in this report being agreed.

2.10 £250,000 has already been agreed for this project in the capital programme. The total expenditure for the recommended option is expected to be within this budget.

3. AVAILABLE OPTIONS

3.1 Do nothing

Not progressing with the project will result in a defunct building overlooking the Mote Park lake and no welfare facilities along the northern bank of the lake. A project to reinvest in these facilities will avoid future costs and liabilities and provide much-needed facilities. **This option is not recommended.**

3.2 Repurpose the building in another way

In creating the indicative design thought has been given to providing an alternative mix of facilities but other variations are less desirable. Removing any facility type from the facility mix will create additional pressures to provide it elsewhere or via other means.

For example, refreshments space could be included in the building, but it requires ongoing maintenance and compliance to meet food standard and hygiene requirements, which is a considerable overhead for seasonal usage. Temporary mobile units can provide this in a much easier way, and can also offer more flexibility in line with changing trends.

The number of changing rooms and toilets has been considered and those presented give the optimal operational flexibility. The community spaces are simple in design and can have many uses, which future proofs. **An alternative facility arrangement is not recommended.**

3.3 Proceed with the facility mix as depicted in the indicative design

The facility mix proposed is the optimal arrangement. It provides regularised accommodation to park user groups, it provides much-improved facilities to the public and it negates the need for any stand-alone welfare facilities to be brought into the park. By investing in the assets we already have in this lakeside location, we create a hub of activity around an under-utilised building and improve the Mote Park offer using available resources. **This option is recommended.**

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

4.1 Paragraphs 3.1 and 3.2 describe why alternative options are less desirable. Paragraph 3.3 describes the benefits of the recommendation. The recommendation brings many advantages across different council service areas. Using capital programme resources in the park at this time will ensure the funds benefit the park and prevent future liabilities from materialising.

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 sections 3 and 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 Stakeholder groups have been consulted and their requirements have been incorporated into the recommendations.
- 6.2 This issue will be considered by the Economic Regeneration and Leisure Policy Advisory Committee at its meeting on 4 April 2023, and its comments and recommendations will be reported orally at the meeting.
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7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 Once recommendations have been agreed, the Property and Leisure team will progress with final designs and a planning application for the changes to the building. At the detailed design stage, requirements for the user groups and park users can be incorporated further.
- 7.2 Working with Finance colleagues, a project budget can be formulated using the allocated capital programme resources.

8. REPORT APPENDICES

The following document is to be published with this report and forms part of the report:

- Appendix 1: Indicative design for Mote Park kiosk
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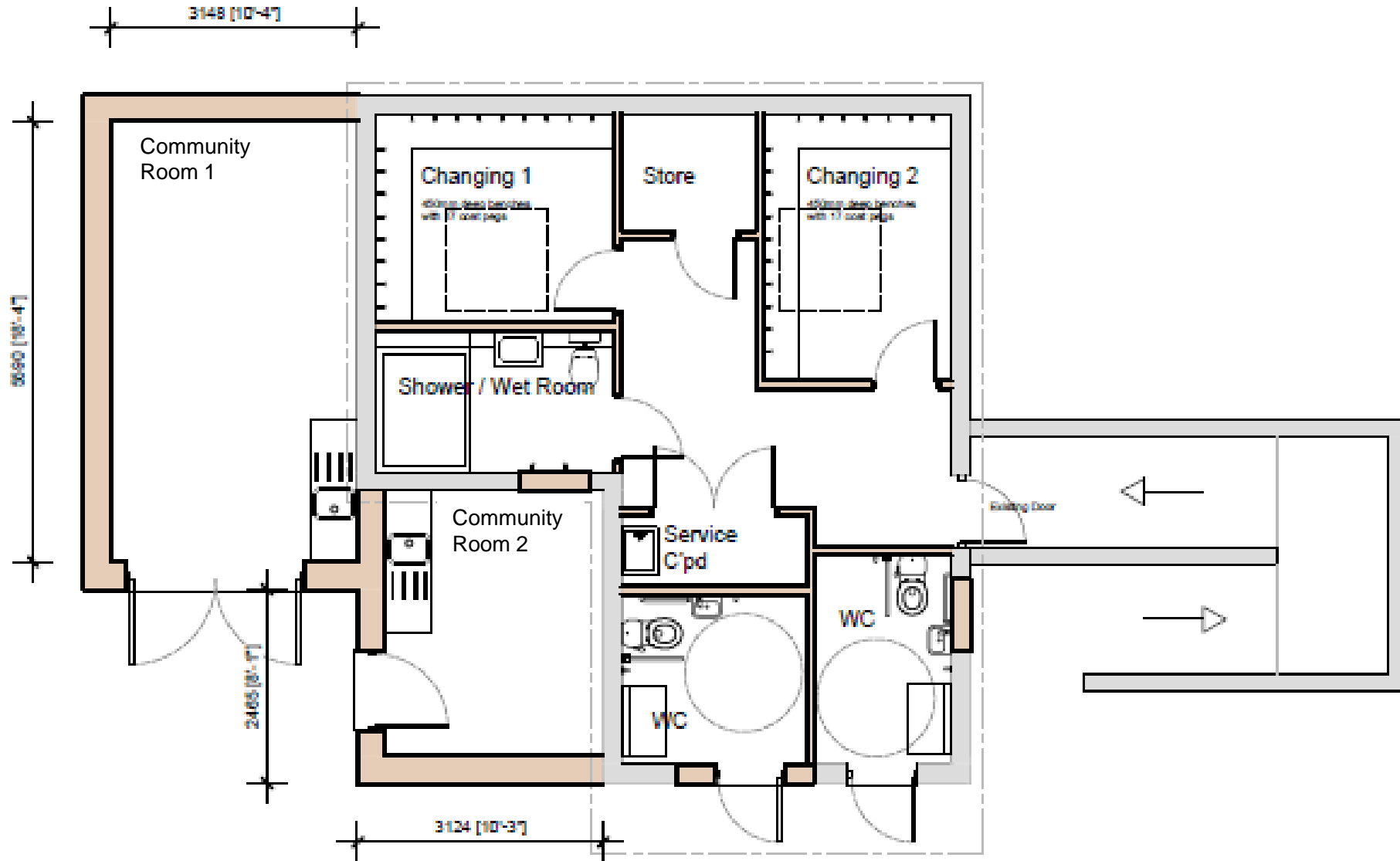
9. BACKGROUND PAPERS

None.

Appendix 1. Indicative design for Mote Park kiosk

Indicative design

14



Appendix 1. Indicative design for Mote Park kiosk

Current plan of Mote Park kiosk

