

**MAIDSTONE BOROUGH COUNCIL**

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

Decision Made: 11 January 2012

**RESPONSE TO MANAGEMENT LETTER 2010/11**

**Issue for Decision**

To consider the draft response to the Management Letter issued at the conclusion of the audit of the 2010/11 accounts.

**Decision Made**

That the draft response to the Management Letter issued at the conclusion of the audit of the 2010/11 accounts, as set out in Appendix B to the report of the Head of Finance and Customer Services, be approved.

**Reasons for Decision**

The Charity accounts are audited by King & Taylor, and as part of their final report they issue a Management Letter which sets out the principal findings of their work and makes recommendations regarding these findings.

At the meeting of the Committee held on 9 November 2011 the accounts for 2010/11 were approved, but the Committee asked that the draft response to the Management Letter be brought to the next meeting for consideration prior to its formal submission.

The Management Letter is attached as Appendix A to the report of the Head of Finance and Customer Services and the draft response is attached as Appendix B to the report.

**Alternatives Considered and Why Rejected**

The alternative course of action would be to disregard the recommendations set out in the Management Letter. However, to do so could have a negative impact upon future audit reports as the recommendations are intended to assist the future operation of the Charity.

## **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 Change and Scrutiny by: **20 January 2012.**

## **MAIDSTONE BOROUGH COUNCIL**

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

Decision Made: 11 January 2012

#### **DEALING WITH FUTURE SURPLUSES**

##### **Issue for Decision**

To consider how to deal with future surpluses generated by the operational activities at the Cobtree Estate.

##### **Decision Made**

That the annual surplus be invested with Charifund until the final options for funding the Master Plan are confirmed.

##### **Reasons for Decision**

The long term loan to the Council has been repaid in full and the Charity will now receive the full benefit of the annual surplus generated by the activities of the Estate. For the current financial year this is estimated to be £61,100, and for 2012/13 this is estimated to be £79,320.

The funding options for the Master Plan are still being evaluated, but will involve the use of this surplus in some form. The annual surplus figure for 2011/12 will be confirmed in April 2012, and this sum will be due to the Charity from the Council under the current accounting arrangements.

The Charity currently has £1.3m invested with Charifund, a specialist charity investment fund administered by M&G Securities Ltd.

It is proposed that the surplus for 2011/12 be invested with Charifund. There is no minimum deposit and funds can be withdrawn at any time, to be repaid within four working days. The investment will also generate additional income for the Charity while it is in the fund.

Once the funding arrangements for the Master Plan are confirmed then a more long term procedure for dealing with the annual surplus can be put in place.

##### **Alternatives Considered and Why Rejected**

The surplus could be deposited with the Borough Council, as is the practice with the sale proceeds from the disposal of properties. However

the investment in Charifund for 2010/11 generated a return of 5.15% on the capital sum invested and it is unlikely the Borough Council could offer a similarly competitive rate.

### **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 Change and Scrutiny by: <b>20 January 2012.</b>
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**MAIDSTONE BOROUGH COUNCIL**

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

Decision Made: 11 January 2012

**PARK RANGER'S PROGRESS REPORT**

**Issue for Decision**

To consider a progress report on the work of the Park Ranger at Cobtree Manor Park; to endorse the proposed programme of events for the coming year and an increase in the number of leaflets printed to publicise events; and to make provision in the estimates for 2012/13 for the engagement of external event leaders and the design and printing of the events leaflet.

**Decision Made**

1. That the work undertaken by the Park Ranger and the future work planned, as set out in Appendix A to the report of the Assistant Director of Environment and Regulatory Services, be noted.
2. That the draft programme of events for the coming year, as set out in Appendix B to the report of the Assistant Director of Environment and Regulatory Services, be endorsed and that the sum of £2,200 be included in the estimates for 2012/13 to cover the cost of engaging external event leaders.
3. That the number of leaflets detailing events be increased from 2,000 to 3,000 for 2012 and that the sum of £450 be included in the estimates for 2012/13 to cover the cost of design and printing.

**Reasons for Decision**

The Committee has agreed that the Park Ranger should provide a progress report on her activities to each meeting. The progress report for the period October – December 2011 is attached as Appendix A to the report of the Assistant Director of Environment and Regulatory Services.

The draft programme of events for the coming year, which builds on the success of last year's programme, is set out in Appendix B to the report. Funding is required to cover the cost of engaging external event leaders.

The Park Ranger has asked that the number of leaflets detailing events be increased from 2,000 in 2011 to 3,000 for 2012. This is because the supply ran out in the early autumn of 2011. The leaflet also contains a map of the Park and is useful for general Park visitors. The success of the

events programme in 2011 is also likely to result in an increase in the demand for leaflets in 2012.

### **Alternatives Considered and Why Rejected**

No alternative actions are considered appropriate as the activities of the Park Ranger directly support the achievement of the Charity's objectives.

### **Background Papers**

Cobtree Manor Park Management Plan.

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 Change and Scrutiny by: <b>20 January 2012.</b>
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**MAIDSTONE BOROUGH COUNCIL**

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

Decision Made: 11 January 2012

**INTRODUCTION OF ELECTRONIC GATE COUNTERS AT COBTREE  
MANOR PARK**

**Issue for Decision**

To consider the introduction of electronic gate counters at Cobtree Manor Park in order to count the number of visitors coming into the Park by vehicle.

**Decision Made**

1. That agreement be given to the introduction of electronic gate counters at the main entrance to Cobtree Manor Park in order to count the number of visitors coming into the Park by vehicle.
2. That agreement be given to expenditure of £2,005.50 to cover the cost of installing electronic gate counters at Cobtree Rural Park.
3. That the visitor figures should be reported to the Committee on a quarterly basis.

**Reasons for Decision**

Accurate visitor figures are essential for measuring the success of the Master Plan and whether visitor numbers increase as a result of the implementation of improvements.

Accurate visitor figures will make it easier to sell concessions in the Park in future, should such sales be considered to be for the benefit of the Charity.

Visitor figures are currently collected by the Park Ranger counting cars in the car park each week and this is then recorded. This is not particularly accurate, but does give some indication as to the number of people visiting the Park. The introduction of an electronic counter will be more accurate as it continuously counts all vehicles and will free up the Park Ranger for more important tasks. The new gate counter will count all vehicles entering the Park; an average number of occupants will then be allocated to each vehicle to produce a number of visitors. At present most people come to the Park by vehicle so it is not considered worthwhile

counting pedestrians separately, although this could be done in the future (at extra cost).

The appropriate software has already been purchased by the Council as part of the Mote Park project, which means that the cost of installing and running the equipment in Cobtree Manor Park is considerably reduced.

Once the equipment is installed there will be no long term revenue implications to the Committee, other than if the equipment is damaged. The only ongoing cost is the replacement of the batteries annually and this will be minimal. The counters at Mote Park are downloaded quarterly. This takes approximately half an hour and can be done at Cobtree by existing staff. The data is then formatted to show monthly visitor figures.

### **Alternatives Considered and Why Rejected**

The alternative action is to continue counting manually at set times. This is not considered appropriate as it is both time consuming and inaccurate.

### **Background Papers**

Cobtree Manor Park Master Plan

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 Change and Scrutiny by: <b>20 January 2012.</b>
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## **MAIDSTONE BOROUGH COUNCIL**

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

Decision Made: 11 January 2012

#### **FEASIBILITY STUDIES TO INVESTIGATE POTENTIAL IMPROVEMENTS TO LAND LEASED TO THE MUSEUM OF KENT LIFE TRUST**

##### **Issue for Decision**

To consider undertaking two feasibility studies to look at potential improvements to land leased to the Museum of Kent Life Trust as follows:-

- A feasibility study to investigate the possibility of linking the towpath at Allington Lock with Cobtree Manor Park by a combined footpath and cycle way.
- A feasibility study to investigate the possibility of creating allotments on land adjacent to this proposed footpath and cycle way.

##### **Decision Made**

1. That a feasibility study be commissioned to investigate the possibility of linking the towpath at Allington Lock with Cobtree Manor Park by a combined footpath and cycle way along the route shown on the plan attached as Appendix A to the report of the Assistant Director of Environment and Regulatory Services.
2. That a feasibility study be commissioned to investigate the possibility of providing allotments on land leased to the Museum of Kent Life, shown edged red on the plan attached as Appendix B to the report of the Assistant Director of Environment and Regulatory Services, opposite Cobtree Manor Park and adjacent to the proposed footpath and cycle way.

##### **Reasons for Decision**

###### **Combined Cycle Way and Footpath**

It is considered that the feasibility of a combined footpath and cycle way should be investigated because it will improve sustainable transport links to Cobtree Manor Park. At present this involves the use of busy roads. The proposed path would provide a pleasant traffic free route from the town centre to the Park. The path would follow the route shown on the

plan attached as Appendix A to the report of the Assistant Director of Environment and Regulatory Services.

The study will link into the wider feasibility study, being undertaken by Sustrans on behalf of Maidstone Borough Council and other land owners along the River, looking at the possibility of creating a cycle path along the River Medway between Maidstone and Tonbridge. Sustrans is a leading charity which promotes sustainable transport.

Cobtree Manor Park could potentially become a destination park and activities such as cycle hire could be considered. The feasibility of this final link to Cobtree Manor Park could potentially be included at no cost in the study by Sustrans, which is already funded by Maidstone Borough Council.

The longer term aspiration of the project being undertaken by Sustrans is not only to create the cycle path between Tonbridge and Maidstone, but to investigate continuing this path all the way to Rochester. This is unlikely to happen for some time but if it does it would make Cobtree Manor Park strategically important as the midway point.

If Sustrans are unable to incorporate the additional path at no cost as part of the existing study, then the feasibility study could be undertaken by the Cobtree Officer. It is estimated that this will take approximately 2 days of Officer time.

The feasibility study will involve consultation with the Cobtree Charity Trust Limited and other stakeholders as well as an investigation of the cost and practicalities of the project.

The findings of the feasibility study will be reported back to the Cobtree Manor Estate Committee.

### Allotments

The Museum of Kent Life has approached Maidstone Borough Council about the possibility of creating allotments on land adjacent to the proposed path. The freehold interest in the land, which is shown edged red on the plan attached as Appendix B to the report of the Assistant Director of Environment and Regulatory Services, is owned by the Cobtree Charity Trust Limited which sub leases it to Maidstone Borough Council as corporate Trustee of the Charity known as the Cobtree Manor Estate. Maidstone Borough Council sub leases the land to Kent County Council which in turn sub leases it to the Museum of Kent Life Trust and their operating body Continuum.

There is currently a waiting list of 142 people for allotments in Maidstone and the possible use of this land for allotments would help to alleviate some of the shortfall in supply. It would also be consistent with the object of the Charity to manage its assets 'in such a way for the benefit of the inhabitants of Maidstone and other members of the general public.'

The allotments could be managed by the Maidstone Allotments Management Committee (MAMC). The MAMC is a voluntary organisation

which runs all allotments owned by Maidstone Borough Council. The MAMC is very keen to find new sites in order to reduce the waiting list, and would be interested in taking on this site.

Alternatively the allotments could be run by Continuum on behalf of the Museum of Kent Life Trust. This would give an element of independence from the existing allotment arrangements in the Borough and allow alternative tenancy arrangements for plot holders to be considered.

The land is disused at present and the proposed creation of allotments would bring it into community use.

The feasibility study will involve consultation with the Cobtree Charity Trust Limited and other stakeholders as well as an investigation of the cost and practicalities of the project.

The feasibility study could be undertaken by the Cobtree Officer. It is estimated that this will take approximately 2 days of Officer time.

The findings of the feasibility study will be reported back to the Cobtree Manor Estate Committee.

## **Alternatives Considered and Why Rejected**

### Combined Cycle and Footpath

The alternative would be to take no action on the proposed commissioning of a feasibility study to investigate the possibility of linking the towpath at Allington with the Cobtree Manor Park by a combined cycle way and footpath. However, this is not considered appropriate as the study currently being undertaken into the possible creation of a cycle path along the River Medway provides an ideal opportunity to examine the possibility of improving cycle and pedestrian access to Cobtree Manor Park.

Access to the Park is restricted at present predominantly to road traffic. Improving cycle and pedestrian access will make the Park more sustainable for the future. This is important if the Park were to be entered for a Green Flag Award.

Easier access will encourage more people to use the Park. It has the potential to become a destination on the new cycle route.

### Allotments

An alternative would be to take no action on the proposed feasibility study to investigate the potential for allotments on land identified by the Museum of Kent Life. This is not considered appropriate as the Museum of Kent Life has identified an opportunity which would be consistent with the objects of the Charity known as the Cobtree Manor Estate and potentially help to resolve the deficiency in allotment provision in the Borough.

## **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 Change and Scrutiny by: **20 January 2012.**

**MAIDSTONE BOROUGH COUNCIL**

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

Decision Made: 11 January 2012

**APPOINTMENT OF THE COBTREE OFFICER**

**Issue for Decision**

To consider the appointment of the Cobtree Officer.

**Decision Made**

That Ms Joanna Joyce be appointed as the Cobtree Officer subject to the recommendations made by Messrs King and Taylor, who act as external auditors to the Charity known as the Cobtree Manor Estate, as outlined in the exempt report of the Assistant Director of Regulatory and Environmental Services and set out below.

**Reasons for Decision**

Following the completion of the previous Cobtree Officer's contract in July 2011, the post has remained empty.

In the coming months work will begin on implementing the Master Plan and it is important that there is a Cobtree Officer in place who possesses the appropriate skills to contribute to this work. Officers have interviewed Joanna Joyce who is currently Parks Technical Officer at Maidstone Borough Council, and recommend that she is appointed as Cobtree Officer.

Ms Joyce is currently responsible for the day to day management of half of the Council owned Parks and Open Spaces in the Borough. The maximum of one day per week working as Cobtree Officer will be done in addition to her work for Maidstone Borough Council.

Although the role of Cobtree Officer differs from Ms Joyce's current role she has considerable previous experience in this type of role as well as the appropriate academic qualifications.

Officers have spoken to representatives from Messrs King and Taylor who are the external auditors to the Charity on the principle of the appointment of Ms Joyce as the Cobtree Officer, and they have no objection in principle. Their primary concern is that she maintains an independence from the Council; that position reflects Officers' own view of the situation and would be required by the Charity Commission.

Accordingly Officers acting on behalf of the Charity known as the Cobtree Manor Estate have been advised of the following by Messrs King and Taylor:-

The annual accounts will now need to disclose the fact that MBC is a "controlling party" for and on behalf of the Charity known as the Cobtree Manor Estate.

Reports must go directly from Ms Joyce to the Cobtree Manor Estate Charity Committee and must be in her name (where of course they relate to Cobtree Manor Estate).

Ms Joyce's MBC role does not currently involve working on Cobtree; this is done by a colleague. That position must be maintained and, therefore, when Ms Joyce's colleague is on leave, she should not cover any work which involves Cobtree. Someone else from the Parks and Leisure Team will need to deal with any issues that arise.

There will need to be a job description and contract setting out Ms Joyce's separate Cobtree Officer role. This job description is attached as Appendix 1 to the exempt report of the Assistant Director of Environment and Regulatory Services.

The previous post holder used to attend the quarterly meetings with MyTime Active in respect of the Golf Course and the auditors would like to see that aspect of Ms Joyce's work continuing so that there is someone there representing the Charity.

Messrs King and Taylor have also requested that the Legal Officer acting for the Charity known as the Cobtree Manor Estate approves the contract before it is signed off.

### **Alternatives Considered and Why Rejected**

The alternative action would be to recruit externally for the position of Cobtree Officer, but it is considered that Ms Joyce is qualified and has pre-existing background knowledge making her suitable for this post.

### **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 Change and Scrutiny by: <b>20 January 2012.</b>
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