

AGENDA

COBTREE MANOR ESTATE CHARITY COMMITTEE MEETING



Date: Wednesday 17 December 2014
Time: 5.30 p.m. or at the conclusion of
the meeting of the Queen's Own
Royal West Kent Regiment
Museum Trust Committee,
whichever is the later
Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors Mrs Blackmore, Greer, McLoughlin and
Perry (Chairman)

Page No.

1. Apologies for Absence
2. Notification of Visiting Members
3. Disclosures by Members and Officers
4. Disclosures of Lobbying

Continued Over/:

Issued on 9 December 2014

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact DEBBIE SNOOK on 01622 602030**. To find out more about the work of the Committee, please visit www.maidstone.gov.uk

Alison Broom

**Alison Broom, Chief Executive, Maidstone Borough Council,
Maidstone House, King Street, Maidstone, Kent ME15 6JQ**

- | | | |
|-----|--|---------|
| 5. | To consider whether any items should be taken in private because of the possible disclosure of exempt information. | |
| 6. | Minutes of the meeting held on 12 November 2014 | 1 - 2 |
| 7. | Report of the Head of Finance and Resources - Financial Position 2014/15 | 3 - 6 |
| 8. | Report of the Cobtree Officer - Cobtree Estate Progress Report and 2015 Events Programme | 7 - 16 |
| 9. | Report of the Cobtree Officer - Cobtree Golf Course | 17 - 20 |
| 10. | Report of the Cobtree Officer - The Future Management of Cobtree Manor Park and the Visitor Centre/Cafe | 21 - 31 |

PART II

To move that the public be excluded for the items set out in Part II of the Agenda because of the likely disclosure of exempt information for the reasons specified having applied the Public Interest Test.

**Head of Schedule
12A and Brief
Description**

- | | | | |
|-----|--|--|---------|
| 11. | Exempt Appendix to the Report of the Cobtree Officer Relating to the Cobtree Golf Course | 3 – Financial/Business Affairs | 32 - 35 |
| 12. | Exempt Appendix to the Report of the Cobtree Officer Relating to the Future Management of Cobtree Manor Park and the Visitor Centre/Cafe | 1 – Individual
3 – Financial/Business Affairs | 36 - 54 |

MAIDSTONE BOROUGH COUNCIL

COBTREE MANOR ESTATE CHARITY COMMITTEE

MINUTES OF THE MEETING HELD ON 12 NOVEMBER 2014

Present: Councillor Perry (Chairman) and
Councillors Mrs Blackmore and McLoughlin

25. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillor Greer.

26. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

27. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

28. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

29. EXEMPT ITEMS

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

30. MINUTES OF THE MEETING HELD ON 3 OCTOBER 2014

RESOLVED: That the Minutes of the meeting held on 3 October 2014 be approved as a correct record and signed.

31. COBTREE YOUNG FARMERS

DECISION MADE:

1. That agreement be given to the granting of a lease to and entering into a management agreement with the Cobtree Young Farmers in accordance with the Heads of Terms set out in Appendix A to the report of the Cobtree Officer amended as appropriate to clarify that the Club will provide a minimum of 100 volunteer hours per annum to the Cobtree Manor Estate Trust in addition to the open day and events.

2. That Cobtree Young Farmers be given permission to carry out the renovations to the site at Kent Life to be leased by the Club, as set out in Appendix B to the report of the Cobtree Officer, subject to the Club obtaining any other permissions that may be required (these renovations being necessary for the re-location of the Club's current activities).
3. That the Head of Legal Partnership be given delegated authority to draft and complete the lease and management agreement with Cobtree Young Farmers and to seek the formal consent of the Cobtree Charity Trust Limited and Kent County Council to this arrangement.

For further information regarding this decision, please follow this link:

<http://services.maidstone.gov.uk/meetings/ieDecisionDetails.aspx?AIId=19369>

32. DURATION OF MEETING

5.43 p.m. to 6.00 p.m.

MAIDSTONE BOROUGH COUNCIL

COBTREE MANOR ESTATE COMMITTEE

17TH DECEMBER 2014

REPORT OF THE HEAD OF FINANCE & RESOURCES

Report prepared by: Paul Holland (Senior Accountant)

1 FINANCIAL POSITION 2014/15

1.1 Issue for Decision

1.1.1 To consider the current financial position of the Golf Course, the Manor Park and Kent Life as at 31st October 2014.

1.2 Recommendation of the Head of Finance & Resources

1.2.1 That the current financial position as at 31st October 2014 is noted.

1.3 Reasons for Recommendation

1.3.1 Attached at **APPENDIX A** is the current financial position, including the projected outturn as at 31st October 2014. If any significant financial issues arise during November these will be reported verbally to the meeting.

1.3.2 The report also includes details of capital expenditure and total investments held.

1.4 Current Financial Position

1.4.1 The Golf Course is projected to continue to produce a healthy net surplus for 2014/15; however the projected deficit on the Manor Park will mean that there will be an overall net operational deficit on the Estate activities, so it is important that costs are closely monitored to ensure that the level of this deficit is controlled and kept to a minimum. The additional costs have been incurred most significantly in respect of grounds maintenance, this being a consequence of the increased visitor numbers and the desire to make the park an attractive place to visit. It should be noted that these costs should now reduce as we head into the Autumn/Winter period.

1.4.2 With the on-going implementation of the master plan the opportunity exists for developing additional income streams to cover these extra costs, particularly around the new Visitor Centre, Café and car parking. The Golf Course contract was also due for renewal in January 2015, and officers negotiated with the current contractors for an extension to

autumn 2016 whilst a full tender opportunity is developed. The possible financial consequences of this are discussed elsewhere on this agenda.

1.5 Investments

- 1.5.1 The market value of the investments held with Charifund has continued to rise following the fall in value in the recent past. Total withdrawals of £506,000 to fund the master plan have now been made, which is reflected in the values shown below. The current value is shown in the table below.

	£
Total investments made up to 31st March 2014	784,000
Balance Sheet (Market) Value 31st March 2014	1,163,867
Total investments made up to 3 rd December 2014	784,000
Market Value as at 3 rd December 2014	1,163,996

1.6 Capital Expenditure

- 1.6.1 The budget for the Master Plan was agreed at £1.065m, to be funded by drawing down from the endowment funds invested with Charifund. However additional funding of £0.3m from Cobtree Charity Trust Ltd for the visitor centre has now been agreed, which will reduce the need to withdraw funds from Charifund.
- 1.6.2 To date there has been expenditure of £678,918 on Phase 1 works in respect of the play area, car park and other associated works, and funding to the value of £506,000 has been drawn down from the endowment fund to cover the expenditure, with the balance being funded from previous operational surpluses generated from the Estate activities. Expenditure to date on the Visitor Centre is £22,384. An additional £124,238 has been spent on dilapidation repairs at the Kent Life attraction, the majority of the funding for which came as part of the agreement that saw the attraction come back under the control of the Committee.

1.7 Alternative Actions and Why Not Recommended

- 1.7.1 The Committee could choose not to receive updates during the year on the financial position, but this would not be consistent with good financial management.

1.8 Impact on the Charity's Objectives

- 1.8.1 Any net surplus generated by the activities of the Golf Course, the Manor Park and Kent Life are to be used to further the long term aims and objectives of the Trust, particularly the agreed Master Plan for the development of the Manor Park.

1.9 Risk Management

1.9.1 Good financial management allows more informed decisions to be made regarding the ongoing activities of the Trust.

1.10 Other Implications

Financial	<input checked="" type="checkbox"/>
Staffing	<input type="checkbox"/>
Legal	<input type="checkbox"/>
Social Inclusion	<input type="checkbox"/>
Environmental/Sustainable Development	<input type="checkbox"/>
Community Safety	<input type="checkbox"/>
Human Rights Act	<input type="checkbox"/>
Procurement	<input type="checkbox"/>
Asset Management	<input type="checkbox"/>

1.11 Financial Implications

Financial Implications are detailed in the report above.

<u>NO REPORT WILL BE ACCEPTED WITHOUT THIS BOX BEING COMPLETED</u>			
Is this a Key Decision?	Yes	<input type="checkbox"/>	No <input checked="" type="checkbox"/>
If yes, when did it appear in the Forward Plan? _____			
Is this an Urgent Key Decision?	Yes	<input type="checkbox"/>	No <input checked="" type="checkbox"/>
<u>Reason for Urgency</u>			
Not applicable			

**APPENDIX A - COBTREE GOLF COURSE & MANOR PARK
CURRENT FINANCIAL POSITION**

April - October 2014

Golf Course

Category	2013/14 Actual (£)	2014/15 Actual to end of October (£)	Estimate to Date (£)	Full Year Estimate (£)
Premises Costs	32,545	20,708	27,310	45,680
Recharges	35,351	21,820	22,200	38,070
Income	-283,286	-166,118	-173,750	-239,950
TOTAL OPERATIONAL SURPLUS	-215,390	-123,590	-124,240	-156,200

Cobtree Operational Surplus	-167,296	-	-	-124,550
MBC Share	-48,094	-	-	-31,650
	-215,390	-	-	-156,200

April - October 2014

Manor Park

Category	2013/14 Actual (£)	2014/15 Actual to end of October (£)	Estimate to Date (£)	Full Year Estimate (£)
Employee Costs	25,000	24,284	27,330	34,360
Premises Costs	128,167	90,470	49,290	81,910
Transport	63	153	350	600
Supplies & Services	38,835	9,961	13,170	28,060
Recharges	50,540	19,380	19,380	45,720
Income	-85,455	-14,784	-9,550	-66,100
TOTAL OPERATIONAL DEFICIT	157,150	129,464	99,970	124,550

April - October 2014

Kent Life

Category	2013/14 Actual (£)	2014/15 Actual to end of October (£)	Estimate to Date (£)	Full Year Estimate (£)
Premises Costs	0	-5,765	0	0
Supplies & Services	0	1,530	0	0
TOTAL OPERATIONAL SURPLUS	0	-4,235	0	0

Net Operational Surplus	-10,146	-	-	0
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This is the actual expenditure to date compared against the projected estimate up to the end of October 2014.

MAIDSTONE BOROUGH COUNCIL

COBTREE MANOR ESTATE COMMITTEE

17TH December 2014

REPORT OF THE COBTREE OFFICER

Report prepared by Joanna Joyce

1. Cobtree Estate Progress Report and 2015 Events Programme

1.1 Issue for Decision

1.1.1 To consider the work being undertaken across the Cobtree Estate as set out in the attached progress report, plus the arrangements for the 2015 Events Programme.

1.2 Recommendations of the Cobtree Officer

It is recommended that:

1.2.1 The Committee note the contents of the progress report attached at **Appendix A**.

1.2.2 Approval is given for the lower insurance sum of £12,500.00 offered by the Council's insurers in lieu of replacement of the sheds damaged by the fire last year to be accepted.

1.2.3 The Cobtree Officer be authorised to investigate options for improving the sewerage system at Kent Life, and in consultation with the Chairman of the Committee to assess those options choosing the most appropriate recommendation. Having made that choice to use the sum of £12,500.00 plus a further sum, up to a maximum of £30,000.00, drawn from the operating surplus generated by the Kent Life attraction towards the improvement of the sewerage system serving Kent Life.

1.2.4 Consent is given for the 2015 events programme for Cobtree Manor Park to be made up of those events that can be delivered by the Park Ranger or with volunteers to enable a programme to go ahead at minimal cost to the charity.

1.2.5 That the Cobtree Officer be authorised;

- 1.2.5.1 to acquire up to three quotes for the appointment of a specialist consultant to investigate and advise on the range of options relating to the future re-tendering of Kent Life on a long term basis; to produce the tender document and manage the tender process,
- 1.2.5.2 in consultation with the chairman of the Committee to then choose and proceed with the appointment of a consultant up to a maximum consultancy fee of £10,000.00,
- 1.2.5.3 and, that the Head of Mid Kent Legal Services be authorised to enter into a professional services contract with the chosen consultant to give effect to the decisions made under paragraph 1.2.5.2.

1.3 Reasons for Recommendations

- 1.3.1 The Committee previously resolved to receive a progress report on the work across the estate at each meeting. Attached at **Appendix A** is the report for the most recent period.

Sheds

- 1.3.2 The fire at the sheds at Kent Life last year completely destroyed 2 of the Chalet/sheds and one covered low barn/wood shed. Following a meeting with the charity Futures for Heroes and Medway Valley Countryside Partnership (who have hosted a Kent Sheds group) both groups felt that whilst they are still very interested in a project with the Cobtree Manor Estate, a more public site would be preferable. This would help them to publicise their work as well as being more secure.
- 1.3.3 Following the fire security has been increased at Kent Life and there is now provision for CCTV at the site of the remaining sheds if required.
- 1.3.4 The remaining sheds are currently used for storage. As the voluntary groups who had been interested are now no longer looking at using the sheds site there is no need to replace these burnt out buildings. The remaining sheds give sufficient storage space for the whole site, as used by Continuum.
- 1.3.5 The cost of replacing the sheds was valued at £26,128.00 with an insurance excess of £10,000.00 so if the sheds were to be replaced there would be an insurance value of £16,128.00 paid with the charity having to meet the excess. If the sheds are not replaced the insurance value of £12,500.00 will be paid to Cobtree Manor Estate Trust to then spend on the Kent Life site as it decides.

- 1.3.6 The tight finances of the charity currently and uncertainty of income from the golf course would make paying the £10,000.00 excess difficult at the present time. With no clear reason to retain the sheds it is difficult to justify the expenditure of this money.

Sewage

- 1.3.7 It is suggested money from the insurance cover for the sheds could be invested in improving the sewerage system from the main Kent Life site. The current system is insufficient for the number of visitors the site now receives and requires regular repairs and pumping out. Between August 2011 and August 2014 £13288.00 was spent on using Denton pumps and a further £8622.00 was paid out to CSG pumping the sump when the pumps fail. This being a total of £21,910.00 or on average £7,303.00 per year.
- 1.3.8 Continuum Kent Life has obtained some quotes and guidance over improving the sewerage over the past five years, with solutions ranging in price from £12,000.00 to £39,000.00. It is recommended that up to date quotes and advice are received and discussed with the Committee Chairman, that the preferred solution is authorised, and the £12,500.00 is put towards this. Any additional funding required can be sourced from the surplus moneys produced by the attraction this year.

Events

- 1.3.9 The events programme at Cobtree Manor Park normally costs the charity £2,000.00 each year, plus officer time. Because of the tight financial circumstances this year it is recommended that no budget is allocated but that an events programme is offered that can be undertaken by staff, volunteers or partner organisations at minimal cost to the charity.

Kent Life

- 1.3.10 It is recommended that a consultant is appointed to advise on and deliver the procurement of a new Kent Life contract and to ensure its long term future. Council officers do not have the specialist industry expertise to prepare an options plan for the long term future of Kent Life to include investment in the site, thereby ensuring its continued development and improvement.
- 1.3.11 Instructing the consultant will result in a robust procurement process that will lead to the selection of an operator with a strong business plan with ideas which will provide a sustainable business model for the long term future and being good value for money.

1.4 Alternative Action and why not Recommended

- 1.4.1 The alternative is for the Committee not to endorse the content of the report set out at **Appendix A**. This is not recommended as the Committee has previously resolved to receive regular updates on the work of the estate.
- 1.4.2 The Committee could decide to rebuild the sheds. This is not recommended as there is no requirement for those sheds and there is not currently the £10,000.00 available to the charity that would be required to cover the insurance excess.
- 1.4.3 The Committee could choose not to allocate the funds from the insurance towards the sewerage at Kent Life; however this is considered to be the most urgent requirement on site for expenditure of funds and currently costs the attraction a considerable sum of money each year in servicing repair and maintenance problems.
- 1.4.4 Money could be allocated to the events programme as in previous years; however at present the operating costs of the park are over budget and this would require money to be spent that the charity does not have.
- 1.4.5 The Committee could choose not to appoint a consultant to investigate procurement options for the Kent Life site. However it is a complex facility that is improving year on year but requires stable long term management and investment to ensure its success continues. This requires an expert understanding of the environment in which it operates that Council officers do not have. If a consultant were not appointed a procurement exercise could still be undertaken but it is uncertain that the best outcome for the facility in terms of investment and operational management would arise.

1.5 Impact on Charity Objectives

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.”

The ongoing improvements set out in the progress report, the 2015 Events Programme, and the proposed improvements to and long term procurement of the Kent Life attraction directly support the charitable objects of the charity.

1.6 Risk Management

- 1.6.1 There is a risk that if the Committee chose to replace the sheds the additional £10,000.00 that would need to be found could result in having to make cuts elsewhere in the estate budget to finance it.
- 1.6.2 Failure to improve the sewerage at Kent Life risks potentially high outgoings of thousands of pounds on repairs, and no toilet facilities during peak visitor periods.
- 1.6.3 Not appointing an experienced consultant could risk a procurement process that does not ensure the best future for Kent Life.
- 1.6.4 There is a risk that finding several consultants with the experience needed to quote could be difficult.

1.7 Other Implications

1.7.1

1.	Financial	X
2.	Staffing	
3.	Legal	X
4.	Equality Impact Needs Assessment	
5.	Environmental/Sustainable Development	X
6.	Community Safety	
7.	Human Rights Act	
8.	Procurement	X
9.	Asset Management	

1.7.2 There are financial implications as outlined in the report relating to the potential for money needing to be spent on the insurance excess, sewerage repairs and maintenance and events.

1.7.3 There will be a requirement for legal documentation to be drawn up.

1.7.4 Failure to address the sewerage issues on the Kent Life site could have environmental and cost implications if overflowing sewage were to leak into a water course or cause health problems for members of staff or visitors to Kent Life (this has not yet happened).

1.7.5 There are procurement implications for both the consultant and the tenderer of Kent Life outlined in the report.

1.8 Relevant Documents

1.8.1 Appendices

Appendix A Cobtree Estate Progress report for the period of October to December 2014

1.8.2 Background Documents

None.

IS THIS A KEY DECISION REPORT?

Yes

No

If yes, when did it first appear in the Forward Plan?

.....

This is a Key Decision because:

.....

Wards/Parishes affected:

.....

Appendix A

Cobtree Estate Progress Report

Introduction

This report sets out the work on the estate and covers the period of October to December of 2014.

Cobtree Manor Park

Maintenance of the park over this period is usual autumn works. Works to the park included the following;

- 20m excess vegetation cut back along the Horse Ride/Estate Walk
- ground prepared for the first instalment of shrub re-planting, loosely following the original design

Over the past year in addition to information already received in the annual report:

- Crimes reported to police – none
- Incidents of ASB – none
- Volunteer hours – 58
- Number of volunteers – 1
- Number of events scheduled – 22
- Number of educational tours with Ranger – 2 with 43 participants plus one talk for the Beaver group with 20 participants
- 1 Self-guided session by local Tree Wardens with 22 participants
- Self-managed visits by groups from local schools approx 15

Works undertaken as part of the Master Plan for phase two of the project.

- The start of the build phase for the Visitor Centre which commenced on Monday 10th November 2014.
- The final sculpture continues to progress.

The progress of the final sculpture to be installed can be followed on the blog written by sculptor Jason Mulligan <http://thecobtreesculpture.blogspot.co.uk> this main piece is to be installed next to the visitor centre.

Cobtree Monthly and Quarterly footfall figures

	2012	Quarterly	2013	Quarterly	% on previous year	2014	Quarterly	% on previous year
Jan			14,675			18,133		
Feb			12,092			17,626		
Mar			12,144	38,911		24,503	60,262	54.87
Apr			19,012			28,012		
May			26,325			24,733		
Jun	10,347		27,906	73,243		25,971	78,716	7.47
Jul	18,509		32,277					
Aug	25,461		38,100					
Sep	20,268	64,238	23,070	93,447	45.47			
Oct	20,745		18,605					
Nov	19,296		15,869					
Dec	13,255	53,296	13,767	48,241	-9.48			
Total	127,881	117,534	253,842	253,842		138,978	138,978	

Unfortunately due to a fault with the equipment the foot fall figures for July to September are unavailable. The fault is being investigated and will be repaired as quickly as possible.

Cobtree Golf Course

Golf course roundage figures for the September and October are as follows:

September	4133
October	2836

These are in line with what would be expected for the time of year and the weather. A separate report on the golf course is included for the December meeting.

Estate properties

Nothing to report. The tenant of Garden Cottage has not yet given notice to quit.

Kent Life

Following the fire at the chalets in the summer the Council's loss adjusters have offered the following:

To rebuild as per the estimate stated at £26,128.00, please note the insurance excess of £10,000.00 is deductible. If these sheds were to be rebuilt this would be payable by the charity.

If CMET do not wish to reinstate and opt for an indemnity settlement the insurers would be able to offer full and final settlement in the sum of £12,500.00. This money could potentially be put towards improving the sewerage system on the main site, thereby saving considerable maintenance sums on the facility.

Continuum Kent life have been advised that there will be a procurement exercise to tender for the facility from the end of their existing contract in November 2015. They will continue to take wedding bookings into the period beyond this and the future operator will be required to honour these bookings.

The Estate Manager Emily Hirons has sent the following update:

Visitor Numbers currently 9% ahead of budget

Income currently 17% ahead of budget

Operating result currently 49% ahead of budget

We have had an excellent season so far, with good weather and great feedback seeing us busy from the start of season. Our autumn events went well, with our best ever hop bines for our Hops n Harvest event. We still have great events coming up, including our Christmas on the Home Front Re-enactment this weekend.

Autumn/Winter also sees our busiest time for education. So far this year we have welcomed over 12,000 schoolchildren for educational workshops and we have adapted to the new curriculum with an extra set of Theme Days for local schools to select from. Another 4,000 school children are expected over the next few weeks! We have also continued to host work experience visits for local colleges, with an average of 8 students volunteering each week.

Our team continue to get great feedback, and we will be undertaking further training with them during the quiet days. Sadly, our longest serving team member, Tony Read, is leaving us after almost 10 years service. Tony has been instrumental in helping to run the site since 2005 and he will be sadly missed by both the team and guests.

As we head towards January we are working up plans to ensure all maintenance and repairs can be completed prior to the new season, giving us the best start to 2015/16. If the Young Farmers are successful in their grant, we will assist them in moving to a larger home on site in January. This gives us the change to refurbish the farmyard, adding more animals, activities and interpretation for our guests. We also hope to improve our fencing and field shelters to improve our animal displays. A final plan is to move a number of historic wagons back on display, to enhance our heritage offer.

Kent Life is proving that it can deliver great experiences to a variety of audiences and has found a way to be sustainable in a very competitive market- all very positive news!

Summary

Work continues across the estate to improve the facilities and to ensure its future success.

MAIDSTONE BOROUGH COUNCIL

COBTREE MANOR ESTATE COMMITTEE

17TH December 2014

REPORT OF THE COBTREE OFFICER

Report prepared by Joanna Joyce

1. Cobtree Golf Course

1.1 Issue for Decision

1.1.1 To consider firstly varying the terms of the existing golf course contract in accordance with the Heads of Terms attached as **Exempt Appendix A**; and secondly the appointment of a consultant for the future procurement of the golf course contract.

1.2 Recommendation of the Cobtree Officer

It is the recommendation of the Cobtree Officer;

1.2.1 That an extension of the existing contract term to 9th September 2016 and other variations to the existing contract dated 1st January 2011 (varied by deed of variation dated 9th January 2014) as set out in the attached Heads of Terms comprising **Exempt Appendix A** be approved.

1.2.2 That the Cobtree Officer be authorised;

1.2.2.1 to acquire up to three quotes for the appointment of a specialist consultant to investigate and advise on the range of options relating to the future re-tendering of the golf course contract on a long term basis,

1.2.2.2 in consultation with the chairman of the Committee to then choose and proceed with the appointment of a consultant up to a maximum consultancy fee of £10,000.00,

1.2.2.3 and to then enter into a professional services contract with the chosen consultant,

1.2.2.4 and for the chosen consultant then to investigate and advise on a range of options and in consultation with Maidstone Borough

Council and for the preferred option to be brought back before this committee for approval.

- 1.2.3 That the Head of Mid Kent Legal Services be authorised to enter into a deed of variation and a contract to give effect to the decisions made under paragraphs 1.2.2.2 and 1.2.2.3.

1.3 Reasons for Recommendation

- 1.3.1 The current contact with MyTime Active expires on 7th January 2015. There have been complications in procuring the longer term contract before 7th January 2015, the reasons for which are set out in the Summary of the Waiver Document attached to this report as **Exempt Appendix B**.
- 1.3.2 As set out in **Exempt Appendix B** the gradual decline of golf means that it is now prudent to investigate a range of alternative business models and options for use so as to provide a secure long term financial future for the golf course complex and Cobtree Manor Estate.
- 1.3.3 A proposal for the long term management of the golf course or other options will then be brought back to the Committee for consideration once the consultant referred to in paragraph 1.2.2.2 has produced the report.

1.4 Alternative Action and why not Recommended

- 1.4.1 The alternative is not to grant the contract variation to MyTime Active. This would leave the remaining options of either closing the golf course or Maidstone Borough Council having to operate the course while the contract is re-tendered. This would involve a costly transfer of staff and would require a considerable purchase of equipment. The costs of this will be prohibitively more than any further costs that will be incurred through the variation of the existing contract.

1.5 Impact on Charity Objectives

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.”

The management and operation of the golf course directly supports the object of the charity by giving the general public, on payment of an admission fee, access to a sport.

1.6 Other Implications

1.6.1

1.	Financial	X
2.	Staffing	
3.	Legal	X
4.	Equality Impact Needs Assessment	
5.	Environmental/Sustainable Development	
6.	Community Safety	
7.	Human Rights Act	
8.	Procurement	X
9.	Asset Management	

1.6.2 The cost of instructing the consultant will result in a robust procurement process that will lead to the selection of an operator with a strong business plan with ideas which will provide a sustainable business model for the future and good value for money. Council officers do not have the required expertise to undertake this exercise. The cost of the contract extension is outlined below.

Year:	Income from Golf course:
2014	£204,000
2015	£184,100 (inc. £20,000pa contribution to machinery)
2016	£184,100 (inc. £20,000pa contribution to machinery pro rata as contract is not for a full year)

1.6.3 A procurement exercise will then need to be undertaken for the new contract once the Committee has considered the options to be outlined by the consultant.

1.6.4 Legal documentation will need to be drawn up to instruct the consultant.

1.7 Relevant Documents

1.7.1 Appendices

Exempt Appendix A Heads of Terms: Contract Variation.

Exempt Appendix B Application for a waiver from the contract procedure rules for the management of Cobtree Manor Golf Course.

<u>IS THIS A KEY DECISION REPORT?</u>			
Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
If yes, when did it first appear in the Forward Plan?			
This is a Key Decision because:			
Wards/Parishes affected:			

MAIDSTONE BOROUGH COUNCIL

COBTREE MANOR ESTATE COMMITTEE

17TH December 2014

REPORT OF THE COBTREE OFFICER

Report prepared by Joanna Joyce

1. The future management of Cobtree Manor Park and the Visitor Centre/Café

1.1 Issue for Decision

- 1.1.1 To consider the options for the future management of the park and Visitor Centre/Café at Cobtree Manor Park; and to implement measures to ensure that the park facility is more financially sustainable as to its future.

1.2 Recommendation of the Cobtree Officer

It is recommended that the Committee agrees:

- 1.2.1 To the creation of the new posts of Cobtree Manager, Visitor Centre/Café Supervisor and Visitor Centre/Café Assistant in accordance with the required skills set out in **Exempt Appendix A**.
- 1.2.2 To the employing of casual staff or volunteers to work at the Visitor Centre/Café as and when demand requires it.
- 1.2.3 To the Visitor Centre/Café and the car park being managed by Maidstone Borough Council (MBC) in accordance with the proposal set out in **Exempt Appendix A** for an initial two year period subject to review by this Committee.
- 1.2.4 To the authorizing of the surplus funds generated by the Visitor Centre/Café and the car park being utilized towards the future maintenance of Cobtree Manor Estate with initial emphasis on the actual park itself; and thereafter for any surplus to be either applied to improvements to the park or towards reducing the amount of the outstanding permanent endowment borrowed by CMET, as the Charity Commission directs.

- 1.2.5 To the principle of applying car parking charges for the estate, on the basis that a more detailed report dealing with the proposed changes and the method of operating the car park will be brought to the Committee for its next meeting.
- 1.2.6 The Head of Mid Kent Legal services be authorized to prepare and enter into contracts giving effect to the decisions made arising out of this report.
- 1.2.7 The Cobtree Officer be authorised to implement a review of the roles of existing staff to fit with the new structure and then appoint staff to the additional roles set out in **Exempt Appendix A**.

1.3 Reasons for Recommendation

Cobtree Manager

- 1.3.1 Since Kent Life has come back under the direct management of the Council acting as the corporate trustee of the charity Cobtree Manor Estate (CMET) and the Cobtree Manor Park Project has got underway the amount of work falling to officers has increased greatly to a level which is now unsustainable. The additional post of Cobtree Manager will ensure that enquiries relating to the estate are dealt with quickly and efficiently and reduce the impact the estate changes have had on MBC officer time, whilst ensuring a more efficient and prompt service for visitors to the estate and other stakeholders such as those operating Kent Life and the Golf Course.
- 1.3.2 The Cobtree Manager will undertake the day to day management and monitoring of the estate, overseeing Cobtree Park but also monitoring the golf course contract and the Kent Life Management Agreement. Senior MBC officers will still undertake the strategic management of the Estate and the Cobtree Officer will continue to work on behalf of the Committee to ensure the management of the estate continues to operate in the best interests of the charity.
- 1.3.3 The addition of a Cobtree Manager to the estate structure will ensure a better service for CMET and the general public and stakeholders in the estate. It will provide one point of contact for estate enquiries. At present this work is covered by a number of different officers and is taking much more time than a few years ago. The opening of the new Visitor Centre will only increase this workload. This new post will ensure that the service offered to visitors to the park is not adversely affected.
- 1.3.4 The Cobtree Manager will also have a key responsibility for ensuring the park generates sufficient income to achieve agreed income targets. Their role will also focus on the visitor centre/café, car parking, events

programme and in sourcing match funding for estate projects. This is a vital role for moving towards a more financially sustainable management model for the park.

- 1.3.5 It is anticipated that some of the costs of employing a Cobtree Manager will be offset by the reduced MBC officer time which would have to be recharged to the charity.

Car parking

- 1.3.6 After the car parking report was brought to the Committee in November 2013 it was resolved that this issue should be brought back before the Committee for a final decision prior to the opening of the New Visitor Centre.
- 1.3.7 The improvements at Cobtree Manor Park have been highly successful and have led to a massive increase in visitor numbers from an estimate of 40,000 per annum prior to park improvements up to an approximate annual figure of 280,000 visitors per year. On busy days over 840 cars are recorded per day. Car park capacity in the available space has been maximized with 150 spaces in the main car park and approximately 50 in the overflow. On a busy day the car park runs at full capacity, with cars sometimes parking on the main road. Demand for parking can exceed the supply on occasion and a car parking charge could help to reduce this demand.
- 1.3.8 Advertising in the park that all funds generated are returned to the Charity to be spent on the Park and will be put towards the running and upkeep of facilities ensuring that the equipment can be maintained and kept in a good condition for future users.
- 1.3.9 The park needs to aim to significantly reduce the subsidy it requires from the wider estate. Currently it is reliant on revenue from the golf course and has run this year at a deficit, spending more than the income the golf course has produced. Increasing visitor numbers have meant that the costs of running the park have increased greatly due to increased wear and tear, a need to have many more litter collections, additional staff and a need to staff the park for longer and outside normal working hours.
- 1.3.10 The uncertainty of future income from the golf course due to the re-tender of the facility over the long term means alternative and additional income sources should be sought. Aside from this point, it is in the best interests of the charity to widen and maximize sources of revenue; which revenue can then be applied towards the future maintenance, and indeed the improvement of the park.

- 1.3.11 At a nominal car parking rate of £1 per day at present visitor levels would make around £140,000 per year. This will be reduced by season tickets and there may also be a reduction in use of the car park. However it is likely that this income will still be enough to cover the new staffing costs and some of the maintenance costs of the park.
- 1.3.12 A season ticket for parking is recommended to ensure the park remains value for money for regular visitors. It is also recommended that the price to park a car is kept low to ensure that visitors are able to afford to visit. Parking charges should be similar to those at local Kent County Council and Tonbridge and Malling Country Parks (**Appendix B**) and should remain in line with comparable attractions. The season ticket will be obtained from the visitor centre.
- 1.3.13 The park has a bus stop immediately outside the entrance and the footpath from the River Medway finishes almost opposite giving alternative means of transport for those visitors not wanting to come by car.

Visitor centre/café

- 1.3.14 It is recommended that the Visitor Centre/café is run for an agreed management fee by Maidstone Borough Council and for an initial two year period. By having the facility run by the Council in the same way as the rest of the park is currently run, the whole staff team will be able to work as one unit cutting down the need for the park staff to do longer hours and additional staff to be employed. For example café staff who are on an early shift could litter pick, open the gates and check the play ground prior to it being used enabling park staff to come in later and lock the visitor centre after café staff have left.
- 1.3.15 The Council proposal will provide an improved service for visitors and the cost to CMET will be reduced from current levels by offsetting future income from the car park and visitor centre against MBC officer charges. By MBC working to an agreed management fee any risk to the charity is reduced. In addition the Council, as corporate trustee, is legally obliged to protect CMET with a financial indemnity in the event of losses attributable to its management of the park (including the visitor centre and the car park). It is unlikely a third party commercial operator can, or would, offer such an unconditional indemnity to CMET.
- 1.3.16 The present café operator has required a security service for the locking/unlocking of the park through not being involved with the gates. With more staff working within the park team this could be done by staff and would save the charity £1000 per month.
- 1.3.17 The high visitor numbers and opportunity to bring in income from the Visitor Centre/Café and car park should significantly reduce the

subsidy the park requires making it considerably less reliant on income from the golf course. The new Cobtree Manager will be required to look at developing more income streams to work towards the park becoming self sufficient in income measured against expenditure. In the event that a future surplus is made the money made by CMET will be reinvested in the park.

1.3.18 Working towards the park becoming self sufficient reduces the biggest risk at present, namely that the uncertainty in golf course income poses a serious threat to the ability of the charity to cover the maintenance costs of the park. Secondly an increase in income will mean that cuts in service will not have to be made to ensure that next year the costs of the park break even. These measures will ensure that there is funding to maintain the park particularly as recent additions such as the play area have high maintenance costs.

1.3.19 Managing the café within the park staffing structure will enable the Café Supervisor and Ranger along with the Cobtree Manager to take on a Duty Manager role ensuring that there are staff in the park who are able to deal with enquiries and incidents as they arise. It will also mean that Café staff can assist with the running of the Visitor Centre, as can park staff if required. If an external caterer was used it is likely that additional charges would be incurred for this.

1.3.20 A review of existing staff roles is recommended to enable the new structure to be implemented. At present the existing staff work regular hours. It is proposed that this is changed to a shift pattern to ensure that the peak hours and weekends are staffed. This will save money as since the opening of the new play area additional staff have had to come in on overtime to clear litter from the park. In addition to the alteration of working hours there will be some minor alteration of roles to reflect the new management structure and the new tasks that are associated with this re-organisation.

1.4 Alternative Action and why not Recommended

Cobtree Manager

1.4.1 The Committee could choose not to appoint a new Cobtree Manager. This is not recommended as the current workload to MBC officers is unsustainable. As there is no way to reduce the workload given the new responsibilities for Kent Life and the increased volume of visitors to the park, a manager dedicated to this estate is considered the best option to deal with the increase, otherwise the council would not be able to continue to provide the service that CMET has come to expect.

1.4.2 The Committee could decide not to make any changes to the current way that the estate is managed, however if no changes are made

there is a risk that there will be insufficient time dedicated to the management of the assets of the estate, so as to maximize income and maintain the offer for members of the general public.

- 1.4.3 The Committee could choose not to have the Cobtree Manager role as part of the park structure. This is not recommended as at present enquiries are dealt with inefficiently and take much more officers time than previously due to the increasing volume of work. If this were to continue the Borough Council would look to recharge this to CMET. By having a manager role the different functions across the estate can be covered by one post and communications particularly with voluntary groups and tenants can be improved.

Car Parking

- 1.4.4 The alternative action is not to introduce parking charges. This is not recommended because the Charity has to find a way of enabling the park to become less reliant on golf course income.
- 1.4.5 Continued high visitor use will put a strain on the Charity's resources if additional funding to assist with maintenance and the running of the visitor centre and park is not identified. Charging for car parking will ensure that there is sufficient funding so that the maintenance needs resulting from increased use of the park will be met, in the future.
- 1.4.6 The car park even with the additional overflow is likely to be insufficient to cope with demand at the busiest periods. Charging is considered to be the best way to help encourage people to come to Cobtree Manor Park by alternative means, thereby reducing the pressure on the car park.

Visitor centre/cafe

- 1.4.7 The Committee could choose to have an external caterer operating the Visitor Centre/Café. This is not recommended as it would also result in additional staffing continuing to be needed in the park to cover the peak hours and littering. The advantage of bringing all the staffing under CMET is that they can be used much more flexibly across the visitor centre and park. It also enables the car parking function to be managed by the visitor centre staff saving CMET the cost of having an external operator to operate it. Bringing all the staff in house also results in a saving by not needing the security company who currently lock and unlock the park. It is likely that an external contractor would charge a premium for these services.
- 1.4.8 Car parking operation and gate locking/unlocking could be done by separate contractors. This is not recommended as it would be more expensive than having one operator (MBC) covering all these services.

1.4.9 The committee could choose to run the Visitor Centre/Café but not take on the additional staff roles. This is not recommended as the Café requires staff in addition to the Cobtree Manager to be operational, and the Cobtree Manager and MBC structure is the most advantageous way of encouraging volunteers to work at the park for the benefit of the charity and the general public using it.

1.4.10 The Committee could choose not to undertake a review of the present staff roles. This is not recommended as the existing system is very inflexible. This has meant that CMET has had to spend additional funds on employing weekend and evening staff and on early morning weekend littering. By reviewing current provision and moving to a more flexible work pattern these costs can be removed. The roles can also be altered to fit with the new visitor centre staffing pattern to ensure that all staff work together to ensure cleanliness in both the visitor centre and the park.

1.5 Impact on Corporate Objectives

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.”

1.5.1 It is the object of the Charity to use its assets for the benefit of the people of Maidstone; therefore parking charges should be affordable and not excessive, and should always be reasonably priced when compared with similar facilities locally.

1.5.2 The addition of a dedicated Cobtree Manager and the running of the Visitor Centre and Café and the staffing of the park and the estate directly by a new dedicated team will support the charitable objects of the charity which are to maintain the estate for the benefit of the general public.

1.6 Risk Management

1.6.1 There is a risk that people will not realise the funds generated from car parking and the café go back to the Charity and into the park. It is therefore important that this should be well advertised prior to charges being introduced and following such introduction within the park, information should be produced and advertised (within the Visitor Centre for example) showing what the generated revenue is used for.

1.6.2 There is a small risk that the café and parking income will not cover the extra staffing. This is thought to be unlikely due to the revenue which is likely to be generated by car parking charges and the Visitor Centre/Café, outlined in the business case in **Exempt Appendix A**. In the event of a problem the situation would be reviewed and charges such as the car park could be increased, in addition to this income targets from events and sundries sold in the Visitor Centre could be increased. The two year review period could also be reduced if it was considered that the management arrangement was not working successfully.

1.7 Other Implications

1.7.1

1. Financial	X
2. Staffing	X
3. Legal	
4. Equality Impact Needs Assessment	
5. Environmental/Sustainable Development	X
6. Community Safety	
7. Human Rights Act	
8. Procurement	
9. Asset Management	

1.7.2 There are financial implications to the introduction of car park charging which will be dealt with in a future report in detail. The revenue generated should easily cover costs of implementation and running this.

1.7.3 There are also financial implications for the addition of staff for the operation of the Visitor Centre/Café. These costs should be covered by the income generated from the car parking and café. This is detailed in **Exempt Appendix A.**

1.7.4 Car park charging provides a secure income stream to fund CMET to cover maintenance costs for the park and help pay back the endowment used to fund the park improvements. It is likely that maintenance costs will fluctuate from year to year, but, for example a comparable play area in Folkestone costs about £20,000.00 per annum to maintain.

1.7.5 Car park charging should help to encourage visitors use more sustainable transport to get to the Park such as taking the bus, cycling or walking. As such it should have a positive environmental effect.

1.7.6 There are implications for both existing staff outlined in the report.

1.8 Relevant Documents

1.8.1 Appendices

Exempt Appendix A

Maidstone Borough Council proposal to manage the Visitor Centre/Café and car parking.

Appendix B Car parking charges at other local parks.

1.8.2 Background Documents

Cobtree Manor Park Master Plan

IS THIS A KEY DECISION REPORT?

Yes

No

If yes, when did it first appear in the Forward Plan?

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This is a Key Decision because:

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Wards/Parishes affected:

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Appendix B

Car parking charges at other local parks

Prices for each park below.

<i>Park</i>	<i>Owner</i>	<i>Weekday Charge</i>	<i>Weekend Charge</i>	<i>Season Ticket</i>
Teston Country Park	KCC	£1.20	£1.70	£40.00
Shorne Country Park	KCC	£2.00	£2.50	£40.00
Trosley Country Park	KCC	£1.50	£2.00	£40.00
Manor Park West Malling	KCC	£1.50	£2.00	£40.00
White Horse Country Park	KCC	£1.00	£1.50	£40.00
Dunorlan	Tunbridge wells BC	FREE	FREE	
Tonbridge	Tonbridge and Malling	Town centre Parking		
Leybourne Lakes	Tonbridge and Malling	£0.80 up to 4 hours, £2.80 over 4 hours	£0.80 up to 4 hours, £2.80 over 4 hours	£25.00
Bewl Water		£4.00 per person includes Parking		£35.00 per person (concessions available)
Bedgebury Pinetum	Forestry Commission	£9.50 per car Free entry to park		
National Trust		£2/£2.50 average if parking available	Cheaper if member	
Swanley Park	Swanley Town Council	£2 in school holidays	£2 weekends	

Charges correct as of December 2014.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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