

OTTERPOOLPARK LIMITED LIABILITY PARTNERSHIP

MINUTES OF THE BOARD

Date: 11th July 2024

Place: The Jockey Club, Folkestone Racecourse, Stone Street, Westenhanger.

Directors present: Gary Ridgewell, Paula Hirst (Chair), Cllr Rebecca Shoob, Cllr Connor McConville

Others present: Donna Brace, Sean Howarth, John Foster

154. Apologies for absence

No apologies for absence.

155. Declarations under the code of conduct

There were no declarations under the code of conduct

156. Minutes of the meeting of 14th March 2024

The minutes of the meeting of 14th March 2024 were agreed as a true and accurate record of the meeting (Paula Hirst abstained as she was not a member of the Board at the previous meeting).

157. Consultancy Appointment

Board noted the appointment of consultant was approved via a resolution in writing.

158. Procurement of S106 legal advice

Report 67 recommends an extension to the contract for legal advice and representation for the LLP for ongoing S106 negotiations. The Board was asked to

agree to the recommendation to extend the existing contract to provide legal advice. Board approval was sought due to the total amount being in excess of MD delegated authority, and the need to depart from agreed procurement policy. The Board discussed the proposal and expressed the view that they would prefer to approve extensions of a greater value to allow the work to be completed in its entirety. This was discussed and the following decisions agreed.

Decisions The Board:

- 1. Agreed that the fee for legal advice with the existing appointed advisor be extended to finalise this piece of work.**
- 2. Agreed to depart from procurement policy due to the additional time required for engagement with stakeholders that was not anticipated at the time of appointment and requested that the waiver be amended to reflect this**
- 3. The Board requested that a paper setting out a proposed procurement strategy for future consultancy support was provided at a future meeting, for any services required beyond those agreed in the meeting.**

159. Procurement of Planning consultancy services

Report 68 In order to consolidate the provision of planning advice across a number of workstreams into one consultant directly managed by the LLP to be more efficient and cost effective, the Board was asked to agree to terminate the existing contract with the planning consultant, and instead appoint a new planning consultant directly, who are currently procured to carry out some planning services as part of a wider appointment as subconsultants. Additional fee was also requested to due to the unanticipated level of complexity associated with the services required. As the total contract value to the planning consultant would exceed the delegated authority of the MD and Board, the Board were asked to recommend a departure from procurement policy to FHDC in line with the Delegations Matrix within the Members Agreement. The rationale and implications of this were discussed by the Board. As part of this discussion, the Board acknowledged that there are exceptional circumstances at this time due to the transition arrangements in place which are requiring departures from the LLP's agreed procurement policy. However the Board noted that beyond this period, its desire to see the LLP operating within its agreed policy.

Decisions. The Board:

- 1. Agreed to terminate the existing contract with existing planning consultant in order to consolidate all planning services with one planning consultant to create efficiencies of scope and cost.**
- 2. Agreed to amend sub consultant's contract to remove the requirement for planning related services**

3. Agreed to directly appoint the planning consultant to provide all planning workstream services required, instead of via a subconsultant to allow direct management of this complex workstream by the LLP and to save on cost.

4. Agreed to recommend to FHDC in line with the Delegations Matrix that the planning consultant be appointed to provide the services required in this financial year to deliver against the transition programme requirements.

5. Agreed to a departure from the LLP's procurement policy to appoint directly to create efficiencies of scope and cost and in light of the unforeseen complexity of the nature of services required

6. Requested amendments to the wording of the draft waiver presented to reflect this.

7. Noted its preference for requests to approve departures from its procurement policy for consultancy appointments to cover the expected entirety of scope and fee for any extensions where this could be foreseen in advance, rather than receive multiple requests for extension of fee payable at different points in time.

8. Requested that a procurement strategy come to a future Board meeting regarding the procurement of consultancy services beyond the transition programme due to completed at the end of March 2024.

160. Update of Anti Fraud and Corruption Framework

The Board was asked to agree updates to the Anti Fraud and Corruption Framework following recent staff restructure.

Decision:

The Board agreed to the revised Framework requesting individual names be removed and be replaced with job titles.

161. Otterpool Park LLP Team introductions

Each current team member introduced themselves to the members of the board. They provided a brief outline of the past experience and their job roles within the LLP. The Board thanked the team members for their useful introductions.

No decisions were required of the Board.

162. Quarterly Report – July 2024

The Board discussed the progress against the transition plan, the objectives for the next quarter, the financial position of the LLP and the risk profile of the project.

Decision:

The Board noted the quarterly report.

163. Confidential – Salary Review

The Delegations Matrix within the Members Agreement sets out that the MD is responsible for decisions relating to staff performance and remuneration. The MD advised the Board of his proposal to amend the salary of a member of the team to reflect additional responsibilities. The Board sought assurances from the MD that changes would be reflected in relevant job descriptions and performance objectives, which were provided, and the proposal was noted.

Decisions

No decisions were required of the Board.