



# Agenda

Meeting: **Otterpool Park LLP - Members/Owners**  
Date: **19 December 2023**  
Time: **2.00 pm**  
Place: **Boulogne Room - Civic Centre Folkestone**

To: **Council Representatives:**

Councillor Jim Martin, Susan Priest (Chief Executive), Ewan Green (Director Otterpool Park Development Company Limited, and Director of Place), Lydia Morrison (Interim S151 Officer and Director of Corporate Services), Amandeep Khroud (Assistant Director), and Jemma West (Committee Services)

**Otterpool Park LLP representatives:**

Councillors Connor McConville and Rebecca Shoob, Peter Wignall (Democratic Services Advisor), Gary Ridgewell (Interim Managing Director) and Dinah Roake, Sallyanne Logan and John Bunnnett (Non Executive Directors).

1. **Apologies for absence**
2. **Declarations of interest**
3. **Minutes**

To agree as a true record the minutes of the meeting held on 30 August 2023.

4. **Transition plan**

To receive an update on the appointment of an Interim Managing Director.

To receive an update the development of a transition plan.

5. **Finance update**

**Queries about the agenda? Need a different format?**

Contact Jemma West – Tel: 01303853369  
Email: [committee@folkestone-hythe.gov.uk](mailto:committee@folkestone-hythe.gov.uk) or download from our  
website  
[www.folkestone-hythe.gov.uk](http://www.folkestone-hythe.gov.uk)

To receive the 2022-23 audited accounts for Otterpool LLP and Otterpool Development Company Ltd.

6. **Strategic Risk**

To receive an update on the FHDC Corporate Risk Register in relation to Otterpool Park.

7. **Any other business**

# Minutes

## Otterpool Park LLP - Members/Owners

Held at: Hybrid meeting - Folkestone Room/Teams

Date: Wednesday, 30 August 2023

Present: **Council representatives:**  
Councillors Jim Martin, and Tim Prater .  
Ewan Green (Director of Place), Amandeep Khroud (Assistant Director), Lydia Morrison (Interim S151 Officer), Susan Priest (Chief Executive) and Jemma West (Democratic Services Senior Specialist)

**Otterpool Park LLP representatives:**  
Councillors Connor McConville and Rebecca Shoob,  
Andy Jarrett (Managing Director), Duncan Thomas (Development Director), Peter Wignall (Legal and Governance Advisor).

Apologies for Absence: Mark Dodson (LLP Finance Director)

### 1. **Declarations of interest**

There were no declarations of interest at the meeting.

### 2. **Minutes**

The minutes of the meeting held on 13 February 2023 were agreed as a true record.

### 3. **Governance Review**

The Director of Place introduced the report which set out the findings and recommendations from the governance review of the Otterpool Park project, carried out by Local Partnerships. He advised that a joint Action Plan for both the LLP and the Council was being drafted and would be monitored to ensure that the recommendations for action are addressed.

The Chief Executive advised that the review had been carried out at the request of the council, and was a proactive action in order to support good practice.

Members of FHDC and the LLP thoroughly reviewed the report and commented on various aspects including the following:

- How would decisions be made where the recommendations suggested an action which required a decision?
- What was the timeframe on the action plan?

The Chief Executive responded to the matters raised and made points including the following:

- The Leader had delegated authority in terms of the composition of the Board, and that any other recommendations needing decisions would be addressed through established delegated decision making processes in place. She offered reassurance that any decisions necessary outside of the delegation scheme would be brought to the appropriate Committee for decision.
- The Action Plan was in development and would be agreed at the Joint Operations Board and reported to Audit and Governance Committee via the council's normal internal audit activities.

The item was welcomed, and the update was noted.

#### 4. **Urgent item - Strategic Funding**

The Managing Director of the LLP outlined the latest situation in terms of Strategic Funding.

A full discussion took place on various financial matters, including work currently in-progress relating to the proposed delivery approach of the project, and the update was noted.

A discussion took place on various matters, and the update was noted.

#### 5. **Otterpool Park LLP - Delivery Plan**

The Managing Director of the LLP gave an update on the delivery plan. It was agreed that the immediate focus of activity, while the funding reviews conclude, would necessarily continue to be on land acquisition for essential infrastructure and planning work. Clarity was sought on delivery milestones and the necessary budget required for the coming 12-18 months to support council decision-making through September and October 2023.

#### 6. **Any other business**

The Chief Executive noted her disappointment that a detailed financial report and an updated risk assessment was not available for the meeting. The owners side requested that the register be brought to the next meeting, and key matters of risk be shared with Folkestone and Hythe District Council Members via the forthcoming reports to OSC and Cabinet.



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This report will be made public on 11 December 2023

Report Number **OP/23/03**

**To:** Otterpool Owners' & Members  
**Date:** 19 December 2023  
**Responsible Officer:** Ewan Green, Director: Strategy & Resources

**SUBJECT:** STRATEGIC RISK

**Summary:** The Council Corporate Risk Register (as at 6 December 2023) identifies two strategic risks in relation to the delivery of Otterpool Park. These are (1) Otterpool Park Delivery and (2) Otterpool Park Planning.

**RECOMMENDATIONS:**

1. To receive and note report OP/23/03.
2. To note the strategic risks identified and related mitigation measures.

**CONTACT:**

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**Appendix** Excerpt from Corporate Risk Register (As at 6 December 2023)

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Link to Corporate Plan	Risk ID	Risk Name	Chief Officer	Risk Owner	Risk Description and Triggers	Actions in place	Current Score			Mitigation scheme	Proposed Actions	Timeframe	Target			Direction of Travel	Key Controls / Sources of Assurance
							Likelihood	Impact	Total				Likelihood	Impact	Total		
All Priorities	C2	Delivery of Otterpool Park	Samuel Aigbe (Chief Officer, Development)	Ewan Green (Director of Place); Cllr Jim Martin (Leader)	As Otterpool Park moves into the delivery phase the Council must consider and mitigate significant factors in relation to governance, finance and delivery. These are: (1) ensuring that robust and effective governance arrangements are in place both for the internal Council client function, as Owners of Otterpool Park LLP, and engaging in collaboration or joint ventures with third parties; (2) ensuring that Council funding contribution to Otterpool Park is affordable and within a tolerable risk level; and (3) ensuring that the skills and capacity required to deliver the project are in place within the Council and the Otterpool Park LLP Board and Team.	A Governance Framework is in place and actively managed to ensure that business related to Otterpool Park LLP (OPLLP) and delivery of the project is subject to regular and effective monitoring. The OPLLP Members Agreement details specific delegations and controls which govern the extent to which the LLP can operate within its own parameters or which decisions are required of the Council. Regular Owners Committee Meetings are held between the Council and OPLLP. An internal Corporate Oversight client group, and Clienting Framework is in place. A Joint Operations Board between the Council as client and OPLLP has been established in order to ensure key matters affecting the delivery of the project are fully considered. The council's Medium Term Financial Strategy and Capital Strategy include commitments for the project and these are monitored in line with the Council's financial reporting processes. Specialist financial and delivery advice has been received by external specialists, and Cabinet, following review by Overview and Scrutiny Committee, has agreed that the Council seek a strategic joint venture partner to support delivery of the project.	3	4	12	Treat	A Governance Review has been completed by independent consultants and improvement actions have been identified in a joint Council / OPLLP Governance Action Plan. A joint Council / OPLLP Risk Register will be developed to ensure that risks are fully understood and mitigation is monitored and reported effectively. A Clienting Framework will be put in place to ensure that delivery actions and decisions required of the Council are identified and monitored on a regular basis. Funding agreements to be concluded and agreed in line with delegations. A due diligence assessment of affordability and future delivery options has been completed and as a result Cabinet agreed to seek to procure a strategic joint venture partner to join with the Council to deliver the project. An 18-month Transition Plan for OPLLP will be put in place to ensure that key activities in relation to land acquisition, planning and infrastructure design are continued alongside procurement of a Joint Venture partner.	Strategic direction agreed Q3 2023. LLP Delivery Plan in place Q3 2023-Q4 2025.	3	3	9	↑	Otterpool Park Owners' Meeting, Otterpool Joint Operation Board, Joint Governance Action Plan, Joint Risk Register, Council Capital Medium Term Financial Strategy and Capital Strategy monitored. Overview and Scrutiny Committee review of all key Otterpool Park reports in advance of Cabinet decisions. Council Corporate Risk Register. Specialist finance and property advisors in place.
SA 4: Quality homes and infrastructure	C3	Otterpool Park Planning and Place	Llywelyn Lloyd (Chief Officer Planning)	Ewan Green (Director of Place); Cllr Jim Martin (Leader)	Following the resolution to grant Outline Planning Permission in April 2023, there are three essential planning actions which must be progressed to allow successful delivery of infrastructure and homes on the site: 1. Section 106 (S.106) agreement being negotiated and completed. 2. Planning conditions being refined and completed. 3. Local planning authority planning capacity being in place to manage the tiered application process.	Regular meetings are in place with Otterpool Park LLP (OPLLP) and partners to work through S.106 and key conditions. A Planning Performance Agreement (PPA) is in place to support resource needs. Specialist legal and planning advisors are in place to support the S.106 agreement. The local planning authority staffing structure is under review to determine resourcing needs and financial implications factored into the budget-setting process. The Chief Planning Officer has identified staffing resources required by the local planning authority to ensure the S.106, planning conditions and tiered 2 and 3 applications can be managed effectively. A transition plan is being developed for the OPLLP and this will include clarity on the next steps regarding key planning actions and the overall delivery programme.	3	4	12	Treat	Recruitment to agreed Development Management Team structure. Assess the capacity required for Otterpool Park delivery over and above the core Development Management team. Agreed updated PPA with OPLLP. Identify the external funding sources to support the planning function for Otterpool Park. Continue to support preparation of key strategies which support the discharge of conditions and the S.106 as identified in the Otterpool Park transition plan. Continue to progress the development of the S.106 agreement with key partners including Kent County Council and Homes England.	Potential planning permission Q3 / Q4 2024	3	3	9	↑	Local planning authority working closely with all involved parties. Education, affordable housing and open space sections of S106 shared with Otterpool Park LLP.

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