

Cabinet 2 September 2021 Supplementary Paper

Item 15 New Communities Collaboration Partnership

Further legal advice has been received that proposes an additional clause in the Model Memorandum of Understanding (MOU) in Appendix 2. The effect of the clause is to allow escalation of unresolved issues to a senior representative (for instance a Director or Chief Executive) in the event that a difference of view arises. It is recommended that the Cabinet insert the following clause and definition in the Model MOU:

Resolving Differences

4.17 In the event any party to this MOU is of the view that any other party is not acting in good faith or in accordance with the principles and requirement of this MOU or of any other difference arising between any of the parties to this MOU in respect of any matter contained herein, then the relevant Representative for such party shall notify in writing the relevant Representative of the other party/parties identifying the issues or concerns and a meeting shall take place between the relevant Representatives within [28] days of receipt of such notice. The purpose of such meeting shall be for the Representatives to resolve the issues or concerns identified and to agree what steps and measures can be taken by the relevant party to resolve the issue or concern raised with the parties thereafter implementing any agreed steps and measures.

Additional Definitions to be added to Section 2:

Developer's Representative means [insert title details –head of department/CEO level]

Council's Representative means [insert title details – head of Department/CC Level]

Owner's Representative means [insert title details – head of Department/CC Level]

Representatives means the Developer's Representative, the Council's Representative and the Owner's Representative collectively (or individually as the case may be)

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