

Record of Officer's Decision

The Openness of Local Government Bodies Regulations 2014 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Date of Decision:	17/01/2024
Decision Maker (Officer):	Lee Heley, Corporate Director, Place and Economy
Authority for Delegated Decision (Cabinet/Committee Decision or Scheme of Delegation – provide reference):	Cabinet Decision 23 rd June 2023 - Minute No. 12 (g) Part 3, Schedule 3 – Responsibility for Executive Functions delegated to Officers paragraph 4.3 (1) – the Corporate Director has delegated authority to discharge executive functions within their respective service areas (Part 3.43). All delegations are subject to consultation where considered appropriate in the circumstances (paragraph 4.3 (4(ii))).
Identify which Portfolio Holder(s)/Committee Chairman consulted?	Cllr Ivan Henderson, Deputy Leader of the Council and Portfolio Holder for Regeneration and Tourism
Ward Member(s) consulted?	Yes
Is it a Key Decision?	No
Is it subject to call-in?	No
Decision Made:	To approve the final terms and conditions of the agreements for the respective agreements between Tendring District Council (TDC) and Essex County Council (ECC), to enable the transfer of funds to support the delivery of ECC's Clacton Civic Quarter Levelling Up Fund project, and the Dovercourt Town Centre Improvement Corridor Capital Regeneration Project in consultation with the Corporate Director, Place and Economy, Section 151 and Monitoring Officers
Reason for Decision (if a report was produced to	On 23 June 2023 Cabinet considered a report titled 'Clacton Civic Quarter Levelling Up Fund (LUF) Bid,

support the Decision, refer to or attach it):	Dovercourt Town Centre Improvement Corridor Capital Regeneration Project (CRP) Bid'. As part of that report, Cabinet delegated authority to the Portfolio Holder for Economic Growth, Regeneration and Tourism in consultation with the Corporate Director Place and Economy, Section 151 and Monitoring Officers to approve the Heads of Terms for the various agreements. Approval of the Heads of Terms was agreed by the Portfolio Holder on 2 January 2023. The June report also authorised the Corporate Director Place and Economy to approve the final terms and conditions of the agreements in consultation with the Section 151 and Monitoring Officer. This transfer of funds will allow delivery of the ECC owned projects as set out in the Clacton Civic Quarter Levelling Up Fund project, and the Dovercourt Town Centre Improvement Corridor Capital Regeneration Project. These projects are as follows: • Clacton Hub • Kingsway Public Realm Improvements • Harwich Library The funding agreements between TDC and ECC mirror the respective Memorandums of Understanding TDC have entered into with DLUHC as Lead Authority for the delivery of each of the LUF and CRP projects.
Highlight any associated risks/finance/legal/equality considerations:	Finance The funding agreement includes the following points: • The Recipient (ECC) shall use the Grant only for the Purpose and in accordance with the terms and conditions set out in the funding agreement. • The Recipient's Section 151 Officer will be required to provide TDC with written confirmation through a signed Statement of Grant Usage and corresponding Quarterly Monitoring Return that the Project continues to represent value for money. • TDC shall pay the Grant to the Recipient in the amount shown in the Quarterly Monitoring Return completed by the Recipient and returned to the Accountable Body as set out above.

- The amount of the Grant awarded to the Recipient shall not be increased in the event of any overspend by the Recipient in its delivery of the Projects.

Risks

This transfer of funds will allow delivery of the ECC owned projects as set out in the Clacton Civic Quarter Levelling Up Fund project, and the Dovercourt Town Centre Improvement Corridor Capital Regeneration Project. Delivery of the ECC owned projects cannot take place without this transfer of funding.

The funding agreements ensure that TDC are not liable in the event of an increase in costs relating to ECC owned projects. The amount of the Grant awarded to the Recipient shall not be increased in the event of any overspend by the Recipient in its delivery of the Projects.

The agreements also transfer other risks to ECC such as the delivery of outcomes and outputs linked to the projects, that contribute to the wider agreement with DLUHC.

The successful delivery of the LUF and CRP projects continues to be subject to a reduced level of risks and known issues which could still impact the programme timeline and the budget. Risks relating to the projects are reviewed regularly as part of the programme management process.

Equality

New EQIAs have been developed for both bids which the funding agreements support. The EQIAs are intended to be living documents which are updated throughout the scheme. a fuller description can be found in the Cabinet report dated 23 June 2023. The funding agreements themselves do not require an EQIA.

Legal

The funding agreements have been developed with input from TDC's S151 Officer, Monitoring Officer, and legal colleagues, as well as equivalent counterparts at ECC.

Details of any Alternative Options Considered and rejected (together with reasons):	Not approving the funding agreements. If the funding agreements are not approved, transfer of funds between Tendring District Council and Essex County Council will not be possible, and ECC will not be able to deliver their projects as agreed in the respective Memorandums of Understanding with DLUHC.	
Details of any declarations of interest (by Portfolio Holder/Committee Chairman who was consulted by the officer, which related to the decision) If relevant, a note of the dispensation granted by the Monitoring Officer:	N/A	
Reason Decision, or supporting Report, is not published: <i>Tick one or more of the specific exemptions,</i> <u>and</u> <i>Give more information in the final box with regards to why the exemption applies and outweighs the public interest test (which is in favour of disclosure).</i>	x	Not applicable – Decision [and report] to be published
		If Report is not to be published – tick one of the following boxes:
		The report supporting the Decision contains confidential information
		The Report supporting the Decision falls within an exemption pursuant to Schedule 12A of the Local Government Act 1972 Information:
		• Relates to an individual
		• Likely to reveal the identity of an individual
		• Relating to financial or business affairs of a person or organisation
		• Relates to a claim for legal professional privilege in legal proceedings
		• Reveals that the Council proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or to make an order or direction under any enactment
		• Relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime
	<u>And</u> is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the	

	exemption outweighs the public interest in disclosing the information Reasons: [insert]
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Officers

Signed:  Title: Corporate Director Place and Economy

Lee Heley :

In consultation with:

Signed: **Section 151 Officer (if required)**

Signed: LISA HASTINGS (electronic signature) **Monitoring Officer**

Dated: