

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:	26 th November 2024
Decision Maker (Officer):	Jessica Bryan – Tourism, Arts and Events Manager
Authority for Delegated Decision (Cabinet/Committee Decision or Scheme of Delegation – provide reference):	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 3.38). All delegations are subject to consultation where considered appropriate in the circumstances (paragraph 4.3 (4)(ii) – Part 3.39).
Identify which Portfolio Holder(s)/Committee Chairman consulted?	Councillor Gary Scott, Portfolio Holder Arts, Culture and Heritage Councillor Peter Kotz, Portfolio Holder for Assets Councillor Mark Stephenson, Leader and Portfolio Holder for Finance and Governance Councillor Ivan Henderson, Portfolio Holder for Economic Growth, Regeneration and Tourism
Ward Member(s) consulted?	Councillor Garry Calver, Dovercourt Bay Ward
Is it a Key Decision?	No
Is it subject to call-in?	No
Decision Made:	The decision to award, to appoint and to enter into a contract with 'The Morton Partnership' following a full procurement exercise resulting in one application and a subsequent exemption to procurement published on 3 rd July 2024.
Reason for Decision (if a report was produced to support the Decision, refer to or attach it):	The Dovercourt Leading Lights and Causeway are Tendring District Council owned assets listed on the Historic England Heritage at Risk Register as Scheduled Ancient Monuments (entry number 1017200). A visit by Historic England in November 2022 highlighted the need for an updated condition and structural survey to outline key works and costs associated with the restoration of these key assets of historical relevance. For 'Phase 1A_Condition and Structural Survey of the Dovercourt Leading Lighthouse and Causeway' an exemption to procurement and permission to award the contract to the Morton Partnership was approved, this was due to only one

	<p>tender submission document being received following the full tender process – Decision posted on 30th March 2024.</p> <p>These works have now been completed with the final report received. Upon full assessment, it became apparent that due to shifting and rising shorelines over time, the legs of the structures could be up to 3 metres buried in the sand. Therefore, surveyors were unable to assess this aspect of the structures. Additional exploratory works and assessment are required to further de-risk this project and ascertain the condition of the legs that are unsighted, creating a ‘Phase 1B_Condition and Structural Survey of the Unsighted Legs’.</p> <p>For Phase 1A, Officers were awarded an exemption to procurement, this exemption was awarded following a full procurement exercise which resulted in one application. This was due to the very specific CARE Accreditation required for any contractors that would work on these structures, a requirement indicated by Historic England. Officers sought to continue with this exemption to procurement into the Phase 1B works, which would result in the continuation of the services of ‘The Morton Partnership’. The decision to accept funding awarded by Historic England to the amount of £47,440 to continue the structural and condition work on the Dovercourt Leading Lighthouses and Causeway (identified as Phase 1B), and to proceed with the exemption to procurement was published on the 3rd July 2024.</p> <p>This was published in concurrence with Councillor Mark Stephenson (Leader and Portfolio Holder for Finance and Governance), Councillor Ivan Henderson (Portfolio Holder for Economic Growth, Regeneration and Tourism), and Councillor Peter Kotz (Portfolio Holder for Assets).</p> <p>A decision to award, to appoint and to enter into an agreement with 'The Morton Partnership' for Phase 1B - Condition and Structural Survey of the Unsighted Legs is required to enable to project to commence.</p>
<p>Highlight any associated risks/finance/legal/equality considerations:</p>	<p>The following risks have been identified:</p> <p>Finance - A fixed price project.</p> <p>Reputational – The Dovercourt Leading Lights and Causeway are much loved heritage assets, Officers are aware of their local significance and the need to communicate fully and sensitively.</p> <p>Environmental – Key council departments have been consulted with regards to requirements surrounding the Dovercourt Leading Lights and Causeway, in addition ‘The Morton Partnership’ will work with</p>

	<p>Historic England and other relevant partners to ensure licenses are in place.</p> <p>Resourcing – This project will be overseen by the Creative and Cultural team at Tendring District Council.</p> <p>Equality Impact – no impact at this stage.</p>		
<p>Details of any Alternative Options Considered and rejected (together with reasons):</p>	<p>An alternative option would be to not award the contract, however the implications of this would be the potential further decline of Tendring District Council Heritage at Risk assets and a delay to the timeframe with the potential inability to meet the funding constraint deadlines of 31st March 2025.</p>		
<p>Details of any declarations of interest (by Portfolio Holder/Committee Chairman who was consulted by the officer, which related to the decision)</p> <p>If relevant, a note of the dispensation granted by the Monitoring Officer:</p>	<p>N/A</p>		
<p>Reason Decision, or supporting Report, is not published:</p> <p><i>Tick one or more of the specific exemptions,</i></p> <p><u>and</u></p> <p><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></p>	<input checked="" type="checkbox"/>	<p>Not applicable – Decision to be published</p>	
	<p>If Report is not to be published – tick one of the following boxes:</p>		
		<p>The report supporting the Decision contains confidential information</p>	
		<p>The Report supporting the Decision falls within an exemption pursuant to Schedule 12A of the Local Government Act 1972 Information:</p>	
		<ul style="list-style-type: none"> • Relates to an individual 	
		<ul style="list-style-type: none"> • Likely to reveal the identity of an individual 	
		<ul style="list-style-type: none"> • Relating to financial or business affairs of a person or organisation 	
		<ul style="list-style-type: none"> • Relates to a claim for legal professional privilege in legal proceedings 	
	<ul style="list-style-type: none"> • 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 		
	<ul style="list-style-type: none"> • Relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime 		
<p><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</p>			



Officers

Title: Jessica Bryan

Signed: Jessica Bryan

Title: Tourism, Arts and Events Manager

In consultation with:

Signed: Councillor Scott, Portfolio Holder for Arts, Culture and Heritage