

RECORD OF EXECUTIVE DECISION

TITLE OF THE DECISION :- TRANSFER OF PUBLIC OPEN SPACE LAND ADJOINING BROOK PARK WEST HARTLEY BROOK ROAD CLACTON-ON-SEA CO16 9FZ ALSO KNOWN AS PICKER'S DITCH LAND

Date	Decision Maker	Decision	Reason(s) for Decision	Alternative Options Considered	Conflicts of Interest Declared (and Dispensations granted by the Monitoring Officer)	Consultation with relevant Ward Member(s) Yes/No	Subject to Call-in? Yes/No
10 December 2024	Portfolio Holder for Leisure and Public Realm and Public Spaces Portfolio Holder for Assets	Consent to the Open Space Land and the maintenance Contribution to be directly transferred from the Matthew Homes Limited ("Developer") to Tendring District Council ("Council"). Authorise the Assistant Director of Governance to complete the transfer of the Open Space Land and accept the Contributions and to hold the same for the specific purposes of maintaining and managing the Open Space Land Authorise the Corporate Director (Operation and Delivery) to undertake the necessary administrative functions to complete the transfer and to accept the Contributions and delegate officers to undertake the necessary maintenance and other activities identified in the S106 agreement and Picker's Ditch Management Plan utilising the Contributions following the transfer of the Open Space Land as proposed. Authorise the Corporate Director for (Operation and Delivery) to complete the hoarding licence agreement for the	Under paragraph 1.3 of Schedule 3 of the S106 Agreement, the Developer is required to transfer the Open Space Land to the Council with a sum of £75,000 as Contribution for future maintenance under the S106 Agreement.	To decline the transfer of the Open Space Land is not an option as the Council owns the adjoining land to the Open Space Land.	None	Yes	Yes

		existing hoarding in place to remain, which encroaches onto the Open Space Land to be transferred to the Council, to allow for the safe completion of the estate roads along the boundary. The hoarding will remain until the estate roads are fully built.					
URGENT DECISIONS ONLY (If non-urgent go to “Agreement to Decision” below):-							
GENERAL EXCEPTION APPLIES? (Rule 14 Access to Information Procedure Rules)		YES/NO	If yes, has at least 5 clear days notice been given to the Chairman of the relevant overview and scrutiny committee?				YES/NO
SPECIAL URGENCY APPLIES? (Rule 15 Access to Information Procedure Rules)		YES/NO	If yes, has the Chairman of the relevant overview and scrutiny committee’s consent been obtained?				YES/NO
EXEMPTION FROM CALL-IN APPLIES? (Rule 18i Overview and Scrutiny Procedure Rules)		YES/NO	If yes, has the Chairman of the relevant overview and scrutiny committee’s consent been obtained?				YES/NO
URGENT & OUTSIDE BUDGET OR POLICY FRAMEWORK? (Rule 6 Budget and Policy Framework Procedure Rules)		YES/NO	If yes, why is it not practical to convene a quorate meeting of full Council?				
			If yes, has the Chairman of the relevant overview and scrutiny committee’s consent been obtained?				YES/NO
AGREEMENT TO DECISION:-							
Signed:- <i>Original authored by Cllr M. Barry</i> Decision Maker Portfolio Holder for Leisure and Public Realm and Public Spaces Signed:- <i>Original authored by Cllr P Kotz</i> Decision Maker Portfolio Holder for Assets		Date:- <i>20 December 2024</i> <i>17 December 2024</i>		Delegated Power Reference (in Part 3 of the Constitution):- 			

Original signed copy to be retained by Service.
Electronic copy to be sent to democraticservices@tendringdc.gov.uk for publication.