

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:	16/06/2025
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 6th October 2023 - Minute No. 38 (c) (d) Cabinet Decision 20th December 2024 – Minute No. 100 (2) 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 Economic Growth, Regeneration and Tourism
Ward Member(s) consulted?	n/a
Is it a Key Decision?	No
Is it subject to call-in?	No
Decision Made:	To extend the Council's contract with Right of Light Consulting for the provision of rights of light services for the Homes in Dovercourt project, which is being delivered as part of the Dovercourt Town Centre Improvement Corridor scheme, including: - Fixed fee for detailed survey + initial negotiations = £3,000 + VAT - Capped fee allowance for negotiations = £3,500 + VAT The services have been procured via the Quotation Rules as set out in Tendring District Council's constitution.
Reason for Decision (if a report was produced to support the Decision, refer to or attach it):	On 6 October 2023 Cabinet considered a report titled 'Levelling Up Fund and Capital Regeneration Projects - Progressing the Projects to Planning Permission'. As part of that report, Cabinet delegated authority to the Corporate

	Director Place and Economy in consultation with the Portfolio Holder for Economic Growth, Regeneration and Tourism to procure appropriate resources and commission a project team to carry out the associated work including for the design briefs. On 9 May 2025 a letter of claim was received from 'The Property Lawyers' acting on behalf of one of the joint owners of 25 Victoria Street. The LOC asserts a possible right of light injury from the Development, and requests information in order to assess the full extent of that injury. Rights of light were considered during the design phase in order to minimise risk of claim however it was not possible to fully design out the risk within the parameters of the deliverables of the Memorandum of Understanding for the funding, as it would have required reduction in the number of housing units created. This appointment allows the 'rights of light' aspect of the design briefs to be progressed further to the above claim, to: - Consider whether there is a right of light through the relevant window(s); - Consider whether the proposed development will cause an actionable injury to such right; - Consider options and next steps for TDC's position.
Highlight any associated risks/finance/legal/equality considerations:	Finance The total project costs of the Carnarvon Terrace scheme were calculated to be £19,743,739. This is broken down as follows: Request to Levelling Up Fund: £16,855,239 TDC Match Funding Contribution: £2,078,500 Brownfield Land Release Funding: £420,000 Electric Vehicle Fund: £390,000 (not yet secured) The total project costs of the Dovercourt Town Centre Improvement Corridor scheme were calculated to be £3,548,751. This is broken down as follows: Request to Levelling Up Fund: £3,332,251 TDC Match Funding Contribution: £216,500 The appointment set out within this decision falls within the budget for consultant appointments on the project. Legal The services have been procured via the Quotation Rules as set out in Tendring District Council's constitution.

	This decision will enable the Project Delivery Unit in conjunction with Legal Services to consider next steps to protect TDC's submission.	
Details of any Alternative Options Considered and rejected (together with reasons):	Not appointing a consultant. Taking this approach would mean the works did not progress.	
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>	☒	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]		

Officer

Signed: 

Title: Corporate Director Place and Economy

In consultation with:

Signed: [via email]
Tourism

Title: Portfolio Holder for Economic Growth, Regeneration &

Dated: