

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:	23/06/2026
Decision Maker (Officer):	Deputy Chief Executive and Corporate Director for Place & Wellbeing
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). 4.4.1(1) All Corporate Directors have the authority to incur expenditure (with the exception of external legal resources) in accordance with the Budget and Policy Framework, Financial Procedure Rules and Procurement Procedure Rules Cabinet, 20th December 2024 (Minute 99 refers) - link Cabinet, 17th March 2025 (Minute 149 refers, recommendation b (ii)) - link Executive Decision of the Portfolio Holder for Economic Growth, Regeneration and Tourism dated 5th August 2025 - link 24th April 2026; Cabinet: Financial Performance Report 2025/26 - General Update at the end of December 2025 (LINK)
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?	Not required
Is it a Key Decision?	No
Is it subject to call-in?	No
Decision Made:	To direct award appointments for: - A Flood Risk Assessment to be provided by Canham Consulting at a cost of £1950 (+ VAT) and - A Preliminary Ecological Appraisal to be provided by Geosphere at a cost of £950 (+VAT) For the Ten_11 Martello Tower E project, as part of the Community Regeneration Partnership. The above appointment is made under exemption to the Procurement Procedure Rules for reasons of urgency and specialist work required, as these reports are required urgently to enable submission of consents applications, as advised by Planning, which are required to secure a Bat Mitigation License before the next hibernation season commences in September, as has been advised by the project ecologist.
Reason for Decision (if a report was produced to support the Decision, refer to or attach it):	The appointment of the required additional services are necessary to progress the project through to delivery, including achieving defrayment in line with the MOU. - To carry out a Flood Risk Assessment and a Preliminary Ecological Appraisal at Martello Tower E. The results of the Flood Risk Assessment and the Preliminary Ecological Appraisal will then enable us to get the project's upcoming planning application validated. With our planning approval, TDC can then apply for our bat licence, and undertake subsequent mitigation works, before the hibernation season starts in September, as has been advised by the project ecologist. The reports have been confirmed as validation requirements for the Planning application by the LPA in the pre-application advice received in June 2026. Urgent submission of the application is essential to achieve the above timescales and secure the Bat Mitigation License, without which would cause a knock on effect to the project within the construction phase having both programmatic and financial implications. Therefore, this procurement of the additional services is in line with Section 2 of the Constitution which sub-section 2.1 states: <i>c) The matter is one of urgency as determined by the appropriate Corporate Director/Head of Department following consultation with the</i>

	<i>responsible Portfolio Holder or the Leader of the Council.</i> The lead-in time for undertaking the Flood Risk Assessment can be as long as 6 weeks. Therefore, undertaking this piece of work is urgent in line with our planning validation requirements. <i>(e) Where the work is of a specialist nature and the Corporate Director/Head of Department can demonstrate that it is not possible to obtain more than one quotation or tender.</i> As it is peak survey season for ecologists at present the average lead-in time for PEA's can be 8-10 weeks. However, as Geosphere has already been appointed by TDC to undertake bat surveys at Martello Tower E, they can utilise their forthcoming site visit to carry out these additional works. Furthermore, given their existing knowledge of the site and the information already gathered, they would be able to expedite the preparation and completion of their report.
Highlight any associated risks/finance/legal/equality considerations:	Procurement The proposed variation to the contract falls within scope of Section 2 Exemption from Procurement Rules which provides that: <i>2.1 c) The matter is one of urgency as determined by the appropriate Corporate Director/Head of Department following consultation with the responsible Portfolio Holder or the Leader of the Council.</i> <i>(e) Where the work is of a specialist nature and the Corporate Director/Head of Department can demonstrate that it is not possible to obtain more than one quotation or tender.</i> The above defines the decision maker as the Corporate Director for Place & Wellbeing which aligns with the delegations for appointing consultants for the wider programme. The Flood Risk Assessment and Preliminary Ecological Appraisal will inform the next phase of works including design decisions. They will also aid in validating our planning application which will expedite approvals and therefore enable us to secure a bat licence prior to hibernation season this autumn. Therefore, mitigating future programme and financial project risks.

	Finance Funding has been secured for the project through the Community Regeneration Partnership and allocated to the project by Cabinet as set out earlier in this notice. The Ten_11 project was approved by Cabinet in March 2025 and the project implementation was approved by Portfolio Holder in August 2025.
NEW : Details of Local Government Reorganisation and/or Devolution considerations	The appointment duration concludes before the timescales of Local Government Reorganisation. The wider project will include works to provide improved amenities to residents of and visitors to the district and deliver improvements to the condition of existing public realm and open spaces owned by the Council, with a view to improving condition and managing the ongoing maintenance burden of such sites.
Details of any Alternative Options Considered and rejected (together with reasons):	Option 1 – Not to undertake the surveys: This is not a viable option as this would mean that we would not be able to validate our planning application, thus expedition the approval process giving us the chance to apply for our bat license before the hibernation season. Option 2 – Not to undertake the surveys at this time: Due to the limited funding envelope, delaying undertaking these surveys could negatively impact on the feasibility of the project and risk the funding secured. Option 3 – Not to progress the project: this would forfeit significant government funding and the opportunity to address important local issues and could impact on the Council's access to central government regeneration funding in the future.
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:	Not applicable

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]		

Officers

Signed:

Title: Deputy Chief Executive and Corporate Director
for Place & Wellbeing