

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:	15/07/2026
Decision Maker (Officer):	Chief Executive
Authority for Delegated Decision (Cabinet/Committee Decision or Scheme of Delegation – provide reference):	As delegated by Cabinet on 26 July 2024: (e) notes the Chief Executive will undertake the activities required to recruit the necessary capacity within the Project Delivery Unit, as Head of Paid Service (being non-executive functions) Cabinet, 15 November 2024: (e) in respect of the Project Delivery Unit budget: (iii) authorises the Chief Executive, in consultation with the Portfolio Holder for Economic Growth, Regeneration and Tourism, to agree further expenditure where capacity is procured from external bodies / organisations / individuals as an alternative to recruitment (link) Cabinet, 20 December 2025 (link): approves, subject to due diligence being undertaken on the terms and conditions, the Council entering into an agreement with Essex County Council for use of the Managed Service Solution framework for the appointment of temporary and permanent workers; 7 February 2025 - Managed Service Solution for Temporary Workers: In accordance with the delegations provided by Cabinet to the Chief Executive in consultation with the Council's Monitoring Officer and the Section 151 Officer, at its meeting on 20th December 2024, it is decided that the Council signs up to Essex County Council's Managed Service Solution framework for temporary workers for up to 3 years with effect from 10 February 2025. (link)

	26 September 2025 – Officer decision to extend appointment through to March 2026 (link) 26 March 2026 – Officer decision to extend appointment through to July 2026 (link)
Identify which Portfolio Holder(s)/Committee Chairman consulted?	Portfolio Holder for Economic Growth, Regeneration & Tourism
Ward Member(s) consulted?	Not applicable
Is it a Key Decision?	No
Is it subject to call-in?	No
Decision Made:	To extend the appointment of the Contract Lawyer (locum) via the Essex Temporary Worker Framework in order to complete the tasks as set out in the proposal for the work for a period of 3 months, through to 11 November 2026. The cost associated with the above to be £31,400.70, to be funded from the Project Delivery Unit budget.
Reason for Decision (if a report was produced to support the Decision, refer to or attach it):	To ensure the ongoing provision of Contract and Procurement Legal support within the Project Delivery Unit, supporting the delivery of the Local Regeneration Fund (LRF, formerly LUF), Capital Regeneration Projects (CRP1) and Community Regeneration Partnership (CRP2) programmes. The July 2024 Cabinet report set out the proposals and funding for the Project Delivery Unit. The Unit will provide the capacity for the organisation to delivery major projects and capital schemes, including those funded by Government. Cabinet allocated funding to appoint staff to the Project Delivery Unit on a fixed term basis for up to two years. Fixed term posts that require very significant skills and experience can be challenging to recruit to. As a result it was decided to seek a Contract Lawyer on a consultancy basis, using the same size budget allocated to the recruitment of the post. The Contract Lawyer was originally appointed via the Essex Temporary Worker framework in February 2025, with an extension in May 2025, by TDC Legal & Governance team, providing maternity cover, with an agreed share of resource with the PDU. An extension to the appointment was agreed through to March 2026, to sit 100% within the PDU, with the support of the Corporate Director for Legal & Governance.

	Due to the developed nature of the programme and the procurement completed to date, the extension to the appointment will be at a reduction to 30 working hours per week. The costs quoted in this decision reflect this.
Highlight any associated risks/finance/legal/equality considerations:	Risks: The main risks are the capacity of the organisation to manage the delivery and budget of major capital schemes. Corporate capacity in the context of LGR requires dedicated resource to ensure the delivery of the major capital schemes. The Contract Lawyer is a mitigation against these risks. In terms of legal issues, the capital delivery and project management services obtained through the Essex Temporary Worker Framework are done so through a public-to-public exemption which does not operate as a procurement, as framework is public sector membership organisation. An IR35 assessment for the consultant to be appointed was completed using the relevant Government websites, which showed the appointment should sit outside IR35. Finance: sufficient budget allocation has been identified within the PDU budget for the proposed extension.
NEW : Details of Local Government Reorganisation and/or Devolution considerations	This is temporary contract and thus is not subject to TUPE. Based on the current construction programmes the post will no longer be required after 31 March 2028.
Details of any Alternative Options Considered and rejected (together with reasons):	Not to extend appointment and to recruit to refill post - Recruitment exercises for other posts attached to the PDU in recent months demonstrate the challenges in recruiting to specialist posts of this nature. These recruitment exercises also take substantial time, without the guarantee of success. The projects managed by the post are at a critical stage and thus active Contract Law input is critical to ensure success, and continuity from the postholder offers substantial benefit to the Council. Direct Employment: While ideal, recruiting high-quality professionals for fixed-term positions in Tendring is challenging due to the existing salary structure.

	Not to extend appointment and not to refill post – This is an essential post for the delivery of the projects.																						
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>	<table border="1"> <tr> <td>X</td><td>Not applicable – Decision to be published</td></tr> <tr> <td></td><td>If Report is not to be published – tick one of the following boxes:</td></tr> <tr> <td></td><td>The report supporting the Decision contains confidential information</td></tr> <tr> <td></td><td>The Report supporting the Decision falls within an exemption pursuant to Schedule 12A of the Local Government Act 1972 Information:</td></tr> <tr> <td></td><td> • Relates to an individual </td></tr> <tr> <td></td><td> • Likely to reveal the identity of an individual </td></tr> <tr> <td></td><td> • Relating to financial or business affairs of a person or organisation </td></tr> <tr> <td></td><td> • Relates to a claim for legal professional privilege in legal proceedings </td></tr> <tr> <td></td><td> • 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 </td></tr> <tr> <td></td><td> • Relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime </td></tr> <tr> <td></td><td> <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] </td></tr> </table>	X	Not applicable – Decision 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: [confirmed via email]

Chief Executive

In consultation with:

Signed: [confirmed via email]

**Portfolio Holder for Economic Growth,
Regeneration & Tourism**

Dated: TBC