

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:	16/07/2026
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 Supporting Portfolio Holder: Cllr Gary Scott, Portfolio Holder for Arts, Culture & Heritage
Ward Member(s) consulted?	No

Is it a Key Decision?	No
Is it subject to call-in?	No
Decision Made:	To approve an extension to the contract dated 2nd December 2025 between TDC and Richard Utting Associates LLP, by an additional 7-months with fees of £23,100.00 (cost + 10% contingency, excluding VAT). Richard Utting Associates LLP are the Employers Agent and Quantity Surveyor for Martello Tower E reuse and refurbishment. These additional fees result from programme prolongation and additional scope requirements, including extension of the consultant's services to facilitate the additional scope.
Reason for Decision (if a report was produced to support the Decision, refer to or attach it):	Background On 20 December 2024, Cabinet accepted the Community Regeneration Partnership funding and commenced delivery. Prior to this, the programme was accepted into the Policy Framework by Full Council on 8 June 2024 and the principle of entering the Partnership approved by Cabinet on 26 July 2024. Subsequently, the funding has been received and a Memorandum of Understanding entered with MHCLG which includes TDC as the Accountable Body. Reason The additional fee is based on a 7-month programme extension and all works associated with the temporary enclosure required for drying out the building. The programme prolongation is due to the optioneering works undertaken with Historic England, establishing the drying out method of the building and the interface with the overall proposals. Continuity By retaining RUA as our EA and QS on the project we are ensuring that we have a suitably qualified professional Quantity Surveyor for project delivery and cost management, therefore, decreasing risk as the project progresses. Value for Money They have demonstrated value for money of the fee to date, through undertaking a number of services at no additional cost. Furthermore, this fee is utilising last year's rates, which makes it extremely competitive. The acceptance of this fee will ensure the project

	progresses, per the Council's commitment to date and as set out in the Project Initiation Document.
Highlight any associated risks/finance/legal/equality considerations:	Funding 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. Cabinet in November 2025 allocated an additional £1.5M to this project, as part of wider reallocation of funding within the Community Regeneration Partnership programme, for the reasons of repurposing the underutilised tower, a listed historic building, into an event or culture venue; Opportunity to diversify the resident and visitor cultural offer. However, in March 2026 Cabinet re-allocated £250,000.00 from this project to fund emergency roof repairs at Clacton Leisure Centre as part of the Salix decarbonisation project. The project budget remains at £3.25M. The original contract sum (£77,981.30) and the additional fee claim (£21,000.00) accumulate to £98,981.30, which sits below the PA 23 threshold of £100,000.00. Legal RUA's original contract was procured via the Eastern Procurement Framework, and the agreement Terms and Conditions are as stated in the RICS Standard Form of Consultant's Appointment England and Wales May 2022. Within which Clause 10 allows for Additional Services/Scope to be agreed in writing between the parties and Clause 18.2 states that this can be undertaken through a variation to the original contract. Continuity If the Council do not accept these additional fees, we would have to re-tender for EA and QS consultants which would further delay the project causing programme issues, in line with working around the Beach Patrol season, and incurring further project costs. Furthermore, it benefits the internal and wider team to have a consistent consultancy team working across all project stages for quality assurance and risk management.

	If we do not accept these fees and scope, it could put the project at risk in terms of programme and financial implications.	
NEW : Details of Local Government Reorganisation and/or Devolution considerations	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 accept: This would require having to re-tender for EA and QS. This would further delay the project causing programme issues and incur further project costs as these are very competitive rates. Option 2 – Not to accept at this time: This would delay the project's progress, which is currently at a critical milestone with our EA and QS feeding directly into our procurement progress. Option 3 – Not to appoint an external consultant: This approach was not selected due to there not being the necessary expertise within Council teams.	
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</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

<i>outweighs the public interest test (which is in favour of disclosure).</i>		• 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

In consultation with:

Signed: _____ **Portfolio Holder For Economic Growth, Regeneration and Tourism**

Signed: _____ **Portfolio Holder For Arts, Culture & Heritage**

Dated: _____