

**District Wide Beach Hut Association Meeting**  
**Thursday 15<sup>th</sup> December 2022 – 10:30am-12:30pm**

**Attendees Present:**

Kieran Charles, Sports Facilities Business Manager  
Yana Humphreys, Seafront Business Manager  
Hayley Hill- New chair for Frinton Beach Hut Association  
Mandy Martin- Harwich & Dovercourt Beach Hut Association  
Sarah Chandler- Chair for Brightlingsea Beach Hut Association  
Cydney Janes-Hendy, Administrator (Minutes)  
Jennie Wilkinson, Assets Surveyor  
Michael Carran, Assistant Director, Economic Growth & Leisure (Chair)  
Peter Dias- Frinton Beach Hut Association  
Sheila Crow- Patrol officer for Brightlingsea Beach Hut Association  
Graham, Frinton Beach Hut Association  
Corinne Simons, Clacton/Holland Beach Hut Association.

**Welcome and apologies**

**Apologies:**

Derick Fisher - Harwich & Dovercourt Beach Hut Association  
Ray Lafferty- Chair, Clacton/Holland Beach Hut Association  
Lee Heley, Corporate Director, Project Delivery  
Cllr. Alex Porter, Portfolio Holder for Leisure and Tourism

M.C: Starts off the meeting by explaining the reasoning on the pre-consultation, which was to establish stakeholder's opinions on the Beach Hut Strategy questionnaire. This was produced following Cabinet's agreement to consult on the draft strategy. The points raised are the views of the representatives of the various Beach Hut Associations.

Key outcomes: To capture all thoughts and opinions on each BHA points.

The report will return to Cabinet in February 2023, which will include the final draft strategy and consultation responses will be included to ensure decisions are taken in context of stakeholder opinions.

The consultation section will include:

1. The wider consultation/online survey
2. BHA views ( objections, comments, recommendations)
3. Overview and Scrutiny Task and Finish Group.

**Comments on the pre-consultation/last meeting (note: the following captures the views of the attendees):**

**Frinton Association:**

Shared their concerns on the consultation and non-hut owners and those living outside of the District answering the questionnaire. Concerned that a lot of people may have submitted their views multiple times from the pre-consultation and the current one. Asked if it was possible to touch base with the people who rent their huts and ask if they've contacted the people who have rented from them to complete questionnaires.

Would like for TDC to look into this.

Expressed that the online questionnaire does not allow people to save their results, there should be copy of comments have been put forward – ~~Brightlingsea agree on this~~. There was a discussion about how entries could be saved as pdf files.

There has been multiple hut owners who have had a licence for years, why do things need to change when it is worked fine previously. They would like to establish what benefits are for the hut owners who will change over.

The Association understands the concept of the leases, however there is no detail on this and there is no clear benefit from changing over.

- **Questionnaires**
- Why is it that the online questionnaire does not allow people to save their results, there should be copy of comments and the comments should include within the summary?
- Why can't entries be saved as pdf files?
- When cabinet agreed to consulting with the local community and beach hut owners, why was the consultation open to all, regardless as to geographical location?
- Queried why the questionnaire wasn't limited to one response per person? TDC agreed to investigate and filter multiple responses and publish revised survey results including how many duplicate/multiple responses were submitted.
- Request to share comments from the survey.
- There have been multiple hut owners who have had a licence for years, why do things need to change when it is worked fine previously?
- What are the benefits for the hut owners who will change over?
- Why are changes being proposed?
- The Association understands the concept of the leases, but where are the details and consequently no clear benefit can be perceived
- Request for lease details denied
- Query raised around leases and crown estate, TDC as custodians of the seafront, how can changes be made without prior consultation with crown estate and sea defences?

Brightlingsea BHA agreed with Frinton that:

- The responses to both surveys could have been limited to one per device if TDC wished to only receive one from every respondent or household.
- At the pre-survey stage in the summer, TDC invited comments, and those who had submitted one response often thought of further points to make, so they completed multiple surveys which seems reasonable. The current survey does not have much space for comments, so it is more like a voting process. Beach Hut Associations have asked their members to restrict the number of responses they make to one this time at TDC's request, but this has not been communicated to other responders. Therefore, the statistics that TDC may wish to collate and quote in future reports will be based on potentially skewed data caused by responders completing the survey multiple times.
- It should have been possible for TDC to prepare a survey to have a 'save as a PDF' and/or 'print' command at the end of the survey to enable responders to easily keep a copy of their answers and comments.

#### **Harwich Association:**

Reference the draft strategy in total, Harwich made the point that they will only be in a position to agree and accept the draft strategy when there is more info available on the leases & everyone has seen and read. Only then after consultation agreement with the leases from all association, will they accept the changes from licence to leases and the draft strategy.

The Association have had sight of a lease which was put out to Felixstowe in 2016, explaining the whole process of what the council will be doing, which they feel TDC have not done at this stage. However they are concerned that it was mentioned in the draft strategy that changing to a lease would be more expensive - need to know more info before they agree to this.

#### **Clacton and Holland Association:**

Made the point they had no knowledge of the pre questionnaire and was not contacted to complete a questionnaire. MC made the point that letters were sent to all Associations and a press release was issued.

In the draft strategy it says the lease will be a bigger security but there has been no info on how it will be. How can a lease be increased security of tenure when nothing at the moment is enforced? I.e. payment of licence & maintenance.

- The TDC report to Cabinet of November 2022 states "the council contacted all licence holders" [my underlining of 3057 TDC managed huts in April 2022 the letter that accompanied my own invoice simply says "we will be consulting".
- The Report to Cabinet notes:

- 2673 people completed a questionnaire [but it is not known whether any were duplicated]
- Of this, 1551 (55%) live outside TDC and 67% do not have a beach hut licence. Only 34% had a licence. [My underlining].
- At the meeting Beach of Hut Associations and various council officers [on 15 December] Mr Mike Carran stated that “all Beach Hut Associations were contacted and there was a press release” but that “there was no wider consultation due to cost” [my underlining].

**However:**

- Only a minority of licence holders are members of Beach Hut Associations [I am a member of C&HBHA but the Consultation was not drawn to my attention by them]
- Very few people now take or read local papers. An older generation is less likely to access them online.
- Licence holders who live outside TDC area would be unlikely to have access to them.
- **Therefore** – the figure of [only] 34% licence holders responding to the “Consultation” gives a false impression – that the majority aren’t interested or concerned about TDCs proposals to, for example, change from licences to leases.
- There is no evidence that hut owners who rent out their huts as a business made contact with their customers for their views.
- **MAY I SUGGEST** that it is made clear to Cabinet that “all licence holders were contacted” is a misleading [and inaccurate] statement, therefore the analyses of the figures needs to be considered in that context.

**All:**

Stated that they felt the change of lease is a way for TDC to profit from owners. What’s in place right now works well, so there is no need to change this.

Need an opportunity to go away from this meeting and get a legal representative on this, before agreeing on anything.

J.W. explained the difference between a licence and lease for all of the association’s benefits.

## **1. LEASES**

### **Brightlingsea Association (BBHA):**

Members sent more comments and questions regarding this policy in the strategy than any other.

- Members expressed concerns about the greater cost of leases compared with the licence fees and they felt that the strategy provides insufficient details on the security offered by leases.
- Some members were concerned about the fairness of maintaining the difference in charge between residents and non-residents for leases as proposed in the strategy. A lease has the same value regardless of where a beach hut owner lives. If selling on a lease to a new owner with the hut, it needs to have a uniform value dependent on the number of years left on the lease. Members felt this point might be more relevant to Brightlingsea hut owners than some other areas as the location is close to the Tendring District Council border with Colchester City Council, e.g in Alresford and Wivenhoe.
- One member was concerned about the effect that replacing a licence with a lease may have on NNDR which is currently zero rated for non-business owners. Brightlingsea Association committee thought that there would be no change to the NNDR position but please could TDC confirm this?
- Many members expressed concerns about the impact that the introduction of leases could have on elderly hut owners who can’t afford significant increases and are already feeling anxious. - All associations agreed with this point.

### **Harwich/Dovercourt & Frinton Association:**

Need to know:

- What are clauses are in the lease?
- What are the costings?
- What would be the duration of the lease?
- What would be their protection under the lease?
- What happens when the lease ends?
- At the end of lease, who will own the hut?

**Frinton Association: (highlighted text added)**

Need to know:

- In the absence of information being shared within the draft strategy relating to lease T&C's and detail of changes from a licence to lease, Frinton Beach Hut Association and it's members wish to raise the very strongest objection and opposition to the proposal within the Draft Strategy Document to replace existing beach hut licences with a lease.
- What are clauses are in the lease?
- What are the costings?
- What would be the duration of the lease?
- What would be their protection under the lease?
- What happens when the lease ends
- At the end of lease, who will own the hut
- It can also be positive for beach huts owners to get a lease for a longer time, but they just need more details on this.
- The section in the Waling's is crown estate- this is a concern.
- The association and its members strongly disagree with the change from licences to leases, without knowing detail it is not possible to agree.
- Request for lease detail has been refused.
- Request for the association and its legal representative to meet with TDC to discuss the DRAFT strategy, including leases which is the biggest concern. Awaiting a response.
- What are the clauses in the lease?
- What are the costings?
- What is the duration of the lease?
- What is the added protection under the lease, how will this differ to the licence?
- What happens when the lease ends?
- At the end of lease, who will own the hut?
- more details on this.
- The section in the Waling's is crown estate, how can this be changed to a lease?

**Clacton/Holland Association:**

- Cannot impose conditions without proper consent, therefore need to know what's on the lease.
- Need to make provision for what happen when the lease comes to an end
- Will there be and up front charge on top of the lease and how will this be assessed? - All of this need more clarity.
  - "Page 4 – Clacton & Holland I said that a) rentals do not seem to happen in my (H) section – I cannot speak as to the rest [– A – G and J of the Clacton & Holland area.]

All: they feel that the lack of clarity regarding the terms and costs of leases ~~this~~ is a missed opportunity with this beach hut strategy and consultation.

**Clarification from TDC:**

TDC are not looking for immediate action and the proposal is for leases to be implemented in 2024/25. There is enough time to put all comments throughout the process into consideration. This will help the Council to look at different opportunities.

It was identified during the pre-consultation process, that there is a lack of understanding/knowledge of what people are selling/buying, with the lack of understanding of what security a beach hut owner has (security wise). Within the bylaws it explains that fixed notices for sales cannot be placed on huts. There has been letters sent to Estate Agents with TDC huts specs/conditions, which will now need to be reiterated to all potential buyers.

All associations agree that there is not enough resources from TDC to challenge anything.

## **2. RENTING OF BEACH HUTS**

**What is the Council proposing?**- The Council is proposing to issue commercial agreements for those wishing to rent out Beach Huts for more than 10 days per year, which will regulate the market for rentals. It is proposed that commercial agreements are open to all to apply but only issued to those meeting a strict criteria. This will cover key points such as accessibility and safety of huts, to ensure those with commercial agreements are able to provide a high quality service and support the appropriate points set out in the Council's Tourism Strategy. New agreements would be through a lease and not a licence. A specific clause will be included on all other agreements to prohibit renting for more than 10 days per year. The annual charge for the lease will vary from location to location and will be based on an independent valuation.

The council are minded to issue commercial leases to those who meet requirements.

### **Brightlingsea Association (BBHA):**

Some beach hut owners do not want huts to be rented out at all, but the representatives here today think that the majority of owners would say that some rental of huts is reasonable, providing the noise generated is not too loud and numbers using the huts are not excessive.

BBHA committee members think that many of the owners who currently rent out their huts will confine their rentals to 10 days a year. But how will TDC know that people are not renting out their huts for more than this?

### **Harwich Association:**

- Who will actually check on those who are renting? How will it be policed?
- The current leases explain that you cannot be there past 10pm. – how is this going to be policed in the future.
- How strict are the rules? – worried on this.
- Is for the strict guidelines. There seems to be a lot of huts owners who have parties, which spoil it for others.
- Need to know the amount of people who can use a hut.
- The noise of the hut (timings)
- Use outside of hours

### **Frinton Association:**

- How strict are the rules going to be on rentals? – worried on this & how it will be policed.
- Is for the strict guidelines as there seems to be a lot of huts owners who have parties, which spoil it for others.
- Need to know the amount of people who can use a hut and the noise of the hut (timings)
- What are the use outside of hours?
- The other side of the rentals need to be policed. I.e. paying tax, insurance etc.
- Existing bylaws- needs to be looked at as well.
- How strict are the rules going to be on rentals? – worried on this & how it will be policed.
- Risk raised by TDC themselves on lack on resources to support the changes.
- Will there be strict guidelines as there seems to be a lot of huts owners who have parties, which spoil it for other – but again how will this be policed?
- How many people who can use a hut and the noise of the hut (timings)
- What are the use outside of hours?
- The other side of the rentals need to be policed. I.e. paying tax, insurance etc.
- Existing bylaws- needs to be reviewed as well.
- Will rental huts need to comply with current health and safety/disability guidelines? This could rule most huts out.

### **Clacton/Holland Association:**

- Rentals does not happen in their particular area
- Needs to be a greater regulation.
- Does need to have strict guidelines.

All agree that more than a few huts rented out- is a business.

### **3. OWNING BEACH HUTS**

**What is the Council proposing?** - The Council is proposing to limit new beach hut agreements to one per household. We are however proposing to honour multiple existing agreements. However, if a household already has a beach hut, then they would not be able to apply for a second agreement- **This is only going forward.**

### **Brightlingsea Association (BBHA):**

- Members seem to have a fairly neutral opinion on this.
- Members would like TDC to consider an agreement for owners who wish to move from one hut site to another as they may be in possession of two huts for a period of time.

### **Harwich Association:**

- Agree that it should be stopped and only one per household & to local people.
- Could be problems with those who currently have multiple huts, who are stuck with a hut that they do not want.
- There should a period of time for people to transfer from one to another. – Timeframe allowance.

### **Frinton Association: (FBHA did not agree on the proposal, sentence replaced with the highlighted text below)**

- Needs further discussion, what happens to those of a big family/multiple children, second marriage/relationship where there are two sets of children and extended family - one hut may not be sufficient. Consider more than one hut, but not for commercial gain
- TDC need to take into consideration the size of the family.
- What happens when the licence holder passes away- who does this go to? Is this free of charge?
- Undecided on this at the moment.
- More local people should have these huts.
- What happens when children of the household become adults and wish to purchase a hut for themselves?
- TDC state the licence holder is not the legal owner, what happens when the licence holder passes away - who can the hut be transferred onto? Is the hut subject to probate? How does this work? Is the licence holder transfer of name free of charge?

### **Clacton/Holland Association:**

- Gradually this will push the residents out if non-local people are using the huts as a business.

All: agree that there should be a transition period if one hut is owned, but purchasing a different hut.

### **4. THE CURRENT BEACH HUT SPECIFICATION**

**What is the Council proposing?**- The Council is minded to work through a review of the current specification and consider adding new products, such as modern cladding and brighter colour schemes which do not currently meet the specification. This can also consider how beach huts could support the Council's carbon neutral agenda;

### **Brightlingsea Association (BBHA):**

- The huts are varied and approximately 80 out of a total of 300 huts at Brightlingsea comply with the current specification.
- Current suppliers recommend and build huts that do not meet the current specification, e.g they may have double doors at the front, no windows or a back window or door.
- The current specification does not minimise the risk of vandalism
- Timescale of implementation- would older huts need to be modified or would a new specification only apply when a hut needs to be replaced?
- What action would be taken if it is agreed that the older huts need to comply immediately the strategy is implemented?
- In Brightlingsea a hut plot is 77.3% the size of a typical beach hut in Tendring. This needs to be considered in the revised specification.
- TDC will need to share the new beach hut specification with the local suppliers as they will need to be able to fulfil the design criteria. The design must be practical and capable of being built using modern weather resistant materials.
- Please offer advice to hut owners who need to replace their huts soon. They may have to wait until the new specification is agreed but they are concerned that their huts will deteriorate further and could be damaged by weather or vandalism in the meantime.

### **Harwich Association:**

- Do not suggest the current plan to new buyers, as the current specs can be easily vandalised.
- TDC need to revise the current specs.
- BH owners need to have the ability to have security bars in front of hut at Dovercourt.

### **Frinton Association:**

- Do not want to change the materials of their hut.
- There is issues for those who comply with the specs, as those who don't can restrict people's views, it ruined it for owners who do comply.
- TDC need to enforce owners with additional parts of huts.
- Materials need to be considered with how environmentally friendly they are.
- Why do we need to change the materials of their hut? What is the issue with wooden huts?
- Are there any issues for those who don't comply with the specs, as they can restrict people's views,
- TDC need to enforce owners with additional parts of huts to amend them.
- Are materials going to considered with how environmentally friendly they are?
- Suggestion to use clad, if huts get washed into the sea this is not environmentally friendly, how can clad be considered when it isn't environmentally friendly doesn't meet TDC green plan?

### **Clacton/Holland Association:**

- Agrees that it varies according to where the hut is in the district.
- Need to consider the size of the huts- a lot of people cannot get down the sides of the hut for proper maintenance.
- Could make recommendations of materials for the specs. (stainless steel) steel screws – not as a construction material.

All: Agree there should be different specs for different locations. – Yet to be decided.

## **5. BEACH HUT ADAPTATIONS**

### **What is the Council proposing?**

Over the years, it has become apparent that some huts breach the current specification due to adaptations that have taken place that fall outside of the stated plot dimensions i.e. the addition of patios, balconies, decking areas, etc. In these instances the current site licence does not cover those adaptations.

Following a review of the specification, the Council is proposing to work with beach hut owners to either:

- (i) remove those adaptations which fall outside of the revised specification or

(ii) where adaptations are included in the revised specification, they can be added to beach hut agreements and an additional charge levied for the increased space

**Brightlingsea Association (BBHA):**

- There is a need for additional details about how this would be implemented.

**Harwich Association:**

- Consideration of how the process of the transfer takes place for new buyers.

**Frinton Association:**

- Agrees with TDC on this matter.
- The problem are for those who have bought a hut which is already altered and are not aware of the adaptations.
- Frinton agree to the proposal to either remove adaptations or charge additional fees to cover the additional space. Will planning permission be needed to ensure neighbouring huts are agreeable?
- Why has TDC not followed up on huts where owners have been asked to remove adaptations, this has been ongoing for 6 or 7 years with no action or consequences?
- How are TDC going to in force new rules when they don't in force them now?
- What about those who have bought a hut which is already altered and are not aware of the adaptations – will it be the responsibility of the buyer to check dimensions prior to purchase?
- What happens to those hut owners who have dug into the cliff or constructed patios next to their huts, will they need to remove them and repair the damage to the cliff structure?

All agree that there is a need for detail on this.

## **6. MONITORING OF BEACH HUT LICENCE CONDITIONS & COMPLAINT MANAGEMENT**

**What is the Council proposing?** - The Council is considering providing resourcing to take appropriate enforcement action where necessary. The Council will also need to determine how this would be funded to ensure complaints are acted upon in a timely manner.

**Brightlingsea Association (BBHA):**

- Responses received from owners are that they want to see that they're getting value for money.
- Beach hut owners do not want to pay a lot more for services which should be of benefit to TDC, e.g. efficient and reliable means of holding customers' data and communicating with them.
- Currently patrollers monitor damage to huts every day. There is good communication regarding faults and problems with the Town Council and the council is responsive to complaints.
- Hut sites facing the boating lake are managed by Brightlingsea Town Council.

**Harwich Association:**

- Have been lucky to monitor any issues themselves, but will go to TDC if they cannot solve any problems. Don't see where extra staff will go to be able to police this. All issues come from the associations to raise any problems.
- CCTV – deployable cameras were added too late in date-Huts were already damaged by then.
- Have members who will pay towards monitoring with additional costs for TDC.

**Frinton Association:**

- Where does it say the risks are noted? Will this always remain a risk?
- FBHA asked how TDC would manage the risk to implementing, monitoring and managing the new strategy noted in the Public Reports Pack dated 04.12.22)
- Risk raised by TDC on limited resources to manage and monitor the strategy – will this always remain a risk? What's the plan to mitigate risks, how will TDC implement, monitor and manage the new strategy?
- Would be good to have more support from TDC.
- Need people from different areas to act as a 'warden' who have authority.



- Did offer to help fund this for wardens with authority to go along the seafronts.
- It's the bigger issues which are the problem, need professional witnesses i.e. retired/ ex-police.
- CCTV- not sure if would be could use at Frinton- Currently have PCSO.
- Looked at peak areas/times- then had AGS go at night, which is paid for via Frinton Assoc.
- Proposal is for additional resourcing; how would this be funded? – TDC recognise this themselves as a high risk and have not set out a proposal on how this will be managed and/or funded.
- Will we have people from different areas to act as a 'warden' who have the relevant authority?
- Frinton BHA has previously offered to help fund wardens with TDC to go along the seafronts, offer declined.
- It's the bigger issues which are the problem, need professional witnesses i.e., retired/ ex-police.
- CCTV- not sure if would be could use at Frinton- Currently have PCSO.
- Frinton BHA looked at peak areas/times- then had AGS patrol at night, which is paid for via Frinton Assoc.
- Where changes are not in line with current seafront bylaws, will bylaws be reviewed and updated?

#### **Clacton/Holland Association:**

- Suggestion for having police patrol- even if it's Adhoc.

### **7. BUILDING NEW BEACH HUTS**

**What is the Council proposing?** - The Council is proposing to build new beach huts around the District, which will be accessible through a lease. The amount of new huts will depend on the space available in appropriate seafront locations and the demand for new huts from local people.

#### **Brightlingsea Association (BBHA):**

- Close to the huts, in Promenade Way there are a commercial camp site for tents and caravans and a Leisure Village. These provide alternative but complementary facilities.
- Beach hut owners and local residents struggle to think where additional sites for the extra huts would be.

#### **Harwich Association:**

- Agree to this- if there is the space.
- Hopes the 3 empty plots at Dovercourt gets filled- please consult with the colouring of hut.
- Not in favour of the overnight sleeping huts. - How would this be policed? There is signs of no overnight staying/parking, so it would go against the current signs and only encourage more people.

#### **Frinton Association:**

- Not in favour of the overnight sleeping huts/camping.
- Bylaws say there should be no parking overnight.
- The only way with how this can work is if this is policed.
- Proposal is to build new huts around the district accessible through leasing – the association strongly disagree to changing from a licence to lease, without knowing the detail of the leases, it is not possible to agree. TDC have so far refused to share lease details.
- Request to share lease detail, duration and clauses – request for association legal representative to review draft new lease.
- We are not in favour of the overnight sleeping huts/camping.
- The local bylaws say there should be no parking overnight.
- The only way with how this can work is if this is policed – recurring issue is how can it be policed.

#### **Clacton/Holland Association:**

- Not in favour of the overnight sleeping huts- camping on the beach is not a good idea.
- This just encourages people to come down - not something that is wanted.

