

**MINUTES OF THE MEETING OF THE RESOURCES AND SERVICES OVERVIEW
AND SCRUTINY COMMITTEE,
HELD ON WEDNESDAY, 1ST FEBRUARY, 2023 AT 7.30 PM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors M Stephenson (Chairman), Scott (Vice-Chairman), Allen, Amos, Barry, Codling, Griffiths and Morrison
Also Present:	Councillor Baker and Clifton
In Attendance:	Lisa Hastings (Deputy Chief Executive & Monitoring Officer), Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Michael Carran (Assistant Director (Economic Growth & Leisure)), Keith Simmons (Head of Democratic Services and Elections), John Higgins (Head of IT and Corporate Resilience) and Keith Durran (Committee Services Officer)

5. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology was received from Councillor Skeels (no substitution).

6. DECLARATIONS OF INTEREST

Councillors Allen and Barry both declared a personal interest in the Beach Hut item as both were Town Councillors for Town Councils that owned Beach Huts with in the District of Tendring.

7. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

There were none on this occasion.

8. TASK AND FINISH GROUP - SCRUTINY OF THE COUNCIL'S PROPOSALS TO REVIEW THE BEACH HUT STRATEGY

The Committee heard that throughout the enquiry, the Task and Finish Group (T&FG) looked into the issues which the emerging Beach Hut Strategy proposed to address. In order to understand how the various issues would impact on the Council, residents, Beach Hut Licence Holders and other stakeholders, the T&FG spent time listening and asking questions of various stakeholders.

In preparation for Cabinet considering the emerging Beach Hut Strategy, the T&FG understood that the Council had consulted on the key issues included in the draft document. The T&FG Group reviewed each of those items to establish a view and make recommendations where appropriate.

For clarity, the eight points which formed the consultation were listed, together with what the Council was minded to implement once the strategy was adopted. The T&FG findings and comments were listed below each item:

1. RENTING OF BEACH HUTS

What was the Council considering?

“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 issued to those requesting them, but based on a 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 and as such, the cost would be identified by establishing a market value, which would increase the amount paid. 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”.

Comments from the Task and Finish Group

- The T&FG expressed concern about the potential cost of the lease and the proposed terms and conditions, which were unknown. The T&FG requested that Cabinet ensure future charges were set at a fair and reasonable level.
- The T&FG were originally concerned with the requirement to tender (in the original proposal which was consulted), but agreed with the new proposal for an application process;
- The T&FG expressed concern about the significant administration processes that may be involved in implementing the strategy and the subsequent cost to the Council of processing leases.

2. OWNING BEACH HUTS

What was the Council’s considering?

“The Council is considering whether to limit new beach huts licences to one per household. The Council is considering honouring multiple existing licences to one household. However, if a household already has a beach hut, then they would not be able to apply for a second licence. This would ensure that Beach Hut are more accessible to local people”.

Comments from the Task and Finish Group

- The Task and Finish Working Group agreed to the principal of this point

3. THE CURRENT BEACH HUT SPECIFICATION

What was the Council’s considering?

“The Council is minded to work through a review of the current specification and consider adding new products, such as modern cladding which do not currently meet the specification. This can also consider how beach huts could support the Council’s carbon neutral agenda”.

Comments from the Task and Finish Group

- The T&FG were supportive of bright colours and vibrant designs for Beach Huts. This followed their visit to Beach Hut locations during the enquiry.
- The T&FG requested that Cabinet acknowledge the differences in locations along the Tendring seafronts and their respective unique features, such as cliff slopes. Following the enquiry, the T&FG noted that appropriate adaptations in parts of the District were essential for reasons of access and should be included in the revised specification, e.g. appropriate access steps on cliff slopes. This should be considered on a location-by-location basis.
- The T&FG requested that a map was attached to the emerging strategy to clearly define which land was owned by Tendring District Council. During the enquiry, they noted that some Beach Hut locations were located on private land and were not under the jurisdiction of the Council
- The T&FG were minded to note and requested that no designs should be permitted that were contrary to current or emerging legislation.
- The T&FG requested that high standards were maintained on Beach Huts and dilapidated Beach Huts should be subject to appropriate enforcement action. This should be proportionate to the agreement holders personal circumstances, but ensured the design specification standards were maintained.

4. BEACH HUT ADAPTATIONS

What was the Council considering?

“Following a review of the specification, the Council is minded to work with licence holders to ensure a removal of those adaptations which fall outside of the revised specification”.

Comments from the Task and Finish Group

- The T&FG requested that Cabinet were mindful of their previous comments on the revision of the specification.
- The T&FG requested that Cabinet set a reasonable timescale for adaptations to be removed, which fall outside of the revised specification. The timescales recommended was a period of two years.

5. MONITORING OF BEACH HUT LICENCE CONDITIONS & COMPLAINT MANAGEMENT

What was the Council considering?

“The Council is considering additional staffing resources to ensure licence conditions are adhered to and taking appropriate enforcement action where necessary. The Council will also need to consider how this would be funded to ensure complaints are acted upon in a timely manner”.

Comments from the Task and Finish Group

- Where conditions were included in Beach Hut agreements, the T&FG asked that there should be appropriate resources to take action when they were not being adhered to. They were mindful that it was not good practice to allow conditions to be ignored and they cannot be addressed without appropriate resources.

6. AN IMPROVED DIGITAL SERVICE FOR LICENCE HOLDERS

What was the Council's considering?

"The Council is considering installing new software to improve services to licence holders and allow them to complete processes online. This would also be used to gather and record appropriate information about conditions, including which huts are licenced to rent and to make complaints easier to report and manage".

Comments from the Task and Finish Working Group

- The T&FG asked that those without access or ability to use digital platforms are still able to deal with a member of staff. As such, sufficient resources should be in place.

7. BUILDING NEW BEACH HUTS

What was the Council's considering?

"The Council is considering whether 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".

Comments from the Task and Finish Group

- The T&FG requested that any new Beach Huts were made available through an affordable set of fees and charges
- The T&FG requested that any Council built Beach Huts built which were sold in the future were done so directly and through an equitable process; and not to use third parties.
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8. A MOVE FROM LICENCES TO LEASES

What was the Council considering?

"It is suggested that licences are phased out over the next year and are replaced by leases from 1 April 2024. Leases will also provide those with beach huts on Council land with additional security of tenure, which they do not currently have with a licence agreement. The cost of a lease will increase the annual amount paid by those with beach huts, which will be identified by establishing the market value once the strategy has been adopted. The annual charge for the lease will vary from location to location and will be based on an independent valuation.

Further to this, consideration has been given as to how the revised specification could be embedded into Beach Hut Agreements. As such, the conditions for which beach hut users have to comply with for design, would form part of the agreement".

Comments from the Task and Finish Group

- Concern was expressed by the T&FG about the potential cost of lease agreements and the proposed terms and conditions – which were at the time of the meetings, unknown. T&FG requested that Cabinet ensure future charges were set at a fair and reasonable level.

- The T&FG requested that consideration be given to including a condition in future agreements, that third party Estate Agents were no longer able to sell Beach Huts on behalf of their respective owners. This would enable the Council to maintain a control on this process and ensure future sales were not priced excessively; and as such be unaffordable to many local people.

After a detailed discussion it was **RECOEMMENDED** to **CABINET** that:

- a) The Task and Finish Group recommends the following to the Resources and Services Overview and Scrutiny Committee, to subsequently request that Cabinet take into account prior to consideration of the draft Beach Hut Strategy, on 17 February 2023:
- b) The Committee recommends that future charges for lease agreements are set at a fair and reasonable level. This is relevant for both commercial and mainstream leases. This should also be appropriate for any new Beach Huts made available for purchase or lease in the future.
- c) It is recommended that terms and conditions included in lease agreements are fair and equitable and in consultation with Beach Hut owners.
- d) The Committee recommends that appropriate resources are put in place for administration involved in implementing the strategy. They asked for consideration be given to the subsequent cost to the Council of processing leases and that subsequent costs are reported back to this Committee.
- e) The Committee recommends that bright colours and vibrant designs be included in the revised design specification for Beach Huts, when this is produced following adoption.
- f) The Committee recommends that there is acknowledgement of the differences in seafront locations along the Tendring District and their respective unique features, such as cliff slopes and how they impact Beach Hut design for the emerging specification review.
- g) Noting the point above, it is recommended that certain limited Beach Hut adaptations in parts of the District were included in the future specification for reasons of access, e.g. appropriate access steps on cliff slopes. This should be considered on a location-by-location basis.
- h) It is recommended that a map was attached to the emerging strategy to clearly define which land was owned by Tendring District Council.

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- i) It is recommended that no Beach Hut designs should be permitted that are contrary to current or legislation.
 - j) To ensure high standards were maintained on Beach Huts and their use, it is recommended that adequate resources should be in place for appropriate enforcement action.
 - k) The Committee recommends that a reasonable timescale for adaptations to be removed which fall outside of the revised specification, is agreed. The timescale recommended is a period up to two years.
 - l) The Committee recommends that the Council continues to support those without access or ability to use digital platforms are still able to deal with a member of staff. As such, sufficient resources should remain in place.
 - m) That the New Beach Hut Strategy returns to the Resources and Services Overview and Scrutiny Committee for review in 12 months' time.

9. TASK AND FINISH GROUP - CYBER SECURITY

The Committee heard that the Cyber Security T&FG (Task and Finish Group) were tasked to:

- 1) *To challenge/ better understand the cybersecurity risks, defences, and mitigations the Council has in place.*

Following Full Council 22nd November 2022, the T&FG mandate was extended to additionally:

- 2) *Review different proposals of Members' access to emails and the current practice of auto-forwarding to personal email accounts, in line with the Council's Risk Management Framework, and make recommendations to Cabinet and Council along with relevant costings.*

During its first meeting the Cyber Security T&FG agreed to use the Department of Levelling Up Housing and Communities (DLUHC) Cyber Assessment Framework (CAF) document template as a self-assessment, auditing, and reporting framework template to review council cyber-security as referenced above.

It was reported to Members that the DLUHC CAF proved relevant to the review of Members' access to emails, auto-forwarding of council official business emails to personal devices and council data stored on personal devices as it included a number of National Cyber Security Centre (NCSC) compliance statements covering: data security and understanding, data protection in transit across the UK network, data storage

security, mobile device data security, media equipment sanitisation and disposal, secure device configuration.

CAF Explanatory Notes

The DLUHC Cyber Assessment Framework (CAF) provided the pragmatic basis to 'self-assess' the Council's own cyber security performance across the following activities:

- 1) Managing Cyber Security (organisational structures, policies, processes, understanding).
- 2) Protecting Against Cyber Attack - security measures to protect networks and systems.
- 3) Detecting Cyber Security Events ensuring effective security defences/ event detection.
- 4) Minimising The Impact of cyber security Incidents and their adverse impact.

The Committee was informed that the self-assessment CAF was a National Cyber Security Centre (NCSC) assessment document that was a mandatory cyber-security 'readiness state audit' document for critical UK national infrastructure providers since 2021. During 2022 the CAF had become mandatory for every central government department and whilst CAF completion was currently voluntary for local government DLUHC have repeatedly advised that it would become mandatory during 2023/24.

In this sense the CAF would replace the now defunct Public Services Network (PSN) IT Health Check annual audit/ certification process reporting local government cyber-security capabilities and fitness to remain securely connected and sharing data with central government Department of Works & Pensions (DWP). The reader should note that several council statutory service functions were completely reliant upon this connectivity, for example: Council Tax, Housing Benefit administration. Loss/ exclusion from central government connectivity would quickly stop those services from functioning.

With regards to the outcome, outlined recommendations were made by T&FG Members with due regard and consideration to:

- *The Full Council background information report.*
- *All Member's subject-matter comments received considered 23rd Jan'23.*
- *A newly published Information Commissioner's Office Freedom of Information (FOI) guidance note considered 23rd Jan'23.*

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- *The four costed options provided and their respective financial, cyber-security and Member-user working practicality satisfaction and non-satisfaction implications considered 23rd Jan'23.*
 - *A full copy of the council's Cyber Assessment Framework (CAF). For simplicity, CAF compliance was reviewed utilising 'traffic light' red, amber and green representing non-compliance, improvements required and full compliance respectively.*

Members heard that following CAF cyber-security compliance self-assessment, the T&FG identified that the council generally had robust cyber-security arrangements and working practices in place to manage, protect and safeguard the data that it held to deliver both statutory and non-statutory services. Its cyber-security event(s) detective arrangements utilising business industry-standard multi-vendor best-of-breed products were similarly robust and well managed.

However, the cyber-security self-analysis review also identified some areas of CAF cyber-security non-compliance, some areas where improvements could be made to further strengthen the Council's cyber-security.

The T&FG recommendations reflect improvements necessary to resolve CAF self-assessment key areas of non-compliance. Key areas considered by the T&FG were:

- ***Recruitment and resourcing key IT vacancies.***
- ***Risks unresolved for prolonged periods.***
- ***Information retention with data (including personal and sensitive data) stored for long periods of time with no clear business need.***
- ***Generic account used or shared or default name accounts.***
- ***Training and understanding individuals' contribution to essential cyber security.***
- ***Formal Adoption of the new Cyber Incident Response Plan (CIRP).***
- ***Members' email auto-forwarding to personal/ mobile devices, including; identification and data management, data security in transit, physical and/or technical security protection against unauthorised access, lack of knowledge around which mobile devices hold data, allowing data to be stored on devices not managed by your organisation or to at least equivalent standard, lack of security on mobile devices, device disposal without data sanitisation, security builds that conform to your baseline or the latest known good configuration version.***

After a short discussion the Committee **RECOMMENDED** to **CABINET** that:

- a) As soon as is possible the Human Resources and Council Tax Committee with appropriate officers look at the salary(s) being offered for the advertised and unfilled senior IT posts and including cyber security senior technical positions.
- b) By 31/03/23 a Portfolio Holder Cyber Security Working Group be established to periodically review the Council's cyber security performance against the Cyber Assessment Framework (CAF) and/or emerging mandatory security improvements and requirements.
- c) By 31/07/23 the Council's Information Retention Policy be reviewed/ revised with due regard to UK Data Protection Act 2018 data 'minimisation' 'accuracy' and 'storage limitation' and applied throughout the organisation.
- d) By 31/05/23 individual (non-generic) account access technologies be costed for accessing TDC terminals in locations such as leisure centres where numerous users sharing a terminal due to a retail environment operational need.
- e) Commencing no later than May 2023 following the election of the New Administration Cyber Security and Information Governance training for all members after every election and for staff in their inductions with periodic refresher training for both be made mandatory.
- f) As soon as possible in consultation with the Council's Monitoring Officer, to review existing Member guidance and explore Member training opportunities as to what constitutes party political activities in the context of using a TDC email account.
- g) As soon as possible the new Cyber Incident Response Plan (CIRP) included as Appendix F to this report be adopted.

In reviewing the different options of Members' access to emails, reflecting the Council's Risk Management Framework, the recommendations to Full Council that the T&FG are submitting to the Resources and Services Overview and Scrutiny Committee and onwards to Cabinet are;

- h) That post-May 2023 local elections under the New Administration, that the Member practice of auto-forwarding of emails be ceased; and

- i) that subject to the associated funding of £8,000 being identified that the preferred Option 2 (*Appendix D refers*) - provision of a standard council-managed mobile Smartphone in addition to a council-managed laptop - be provided to those Members that want one to access emails and be contactable when mobile; or

- j) as an alternative to 'i above', that should it not prove possible to fund the Smartphone costs centrally, then each Member requesting a standard council-managed mobile Smartphone will be asked to fund the cost from allowances (circa two hundred pounds per annum).

The meeting was declared closed at 10.35 pm

Chairman