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Resources and Services Overview and Scrutiny Committee 13 March 2023

RECOMMENDATIONS MONITORING REPORT (Prepared by Keith Durran)

Recommendation(s) Including Date of Meeting and Minute Number	Actions Taken and Outcome	Completed, follow-up work required or added to Work Programme
<p><u>This Committees meeting on 1 February 2023 (Minute 9 refers)</u></p> <p><u>CYBER SECURITY</u></p> <p><u>ENQUIRY RECOMMENDED</u></p> <p>That Cabinet –</p> <p>a) <i>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.</i></p> <p>b) <i>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.</i></p> <p>c) <i>By 31/07/23 the Council's Information Retention Policy be reviewed/ revised with due regard to UK Data Protection Act 2018</i></p>	<p><u>The Recommendation was submitted to the Cabinet Meeting on 17 February 2023 (Minutes 122 refers) and the Portfolio Holder's Comments were as follows:</u></p> <p><i>"I would like to thank the Committee for the work it has undertaken in setting up the task and finish group chaired by Councillor Clifton, who looked at the various aspects and complexities of cyber security in a relatively short period of time. In respect of the recommendations a) to g), they reflect a pragmatic and reasonable approach to supporting the Council's cyber security arrangements, so I am therefore supportive of taking the various activities forward in 2023/24. Recommendations h) to j) of the Resources and Services Overview and Scrutiny Committee will be presented for consideration at Full Council on 2 March 2023. In respect of recommendation h), this reflects the position I have mentioned on a number of occasions over recent months. I appreciate the frustration that many Members have previously expressed, but I believe that the risk of continuing with the forwarding of emails</i></p>	

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<p><i>data 'minimisation' 'accuracy' and 'storage limitation' and applied throughout the organisation.</i></p> <p>d) <i>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.</i></p> <p>e) <i>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.</i></p> <p>f) <i>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.</i></p> <p>g) <i>As soon as possible the new Cyber Incident Response Plan (CIRP) included as Appendix F to this report be adopted.</i></p> <p>(AMMENDED) That Council having considered the outcome of the enquiry into cyber security undertaken through the Resources and Services Overview and Scrutiny Committee determines to adopt the</p>	<p><i>to personal emails account is too great for various reasons, not least because of UK Data Protection legislation compliance, but also recognising freedom of information issues that have been highlighted by the ICO. Not only that, but the world of cyber security will keep evolving and there will be adverse consequences if we continued with current practices. We therefore need to remain alert to both current and future risks. Furthermore, if a breach was to take place the Council would be potentially liable to hefty fines by the ICO. I note that the following 4 options relating to how Members can access their Tendring District Council emails that were considered by the task and finish group: 1. Use of council managed laptops only 2. All members be provided with a Council managed smart phone 3. Introduce a 'Bring Your Own Device' Service Framework 4. A Member web 'portal' app Whilst acknowledging the Committee's practical recommendation of the provision of Council managed smartphones, in striking a pragmatic balance along with recognising how Members are increasingly reliant upon flexible access to their emails to effectively undertake their role as a Councillor, I would be supportive of exploring Option 4 above in more detail as a possible alternative. Although the provision of a mobile phone would provide a practical solution, I understand the frustration of some members where they are juggling more than one email account to reflect their 'political' roles with that of a being a ward Councillor along with trying to undertaking that role</i></p>	
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<p>following as recommended by the Resources and Overview and Scrutiny Committee –</p> <p>a) <i>it is recognised that the provision of mobile phones would provide a practical solution to enable Members to access their TDC email accounts and that under the newly elected Council from May 2023, the practice of auto-forwarding of TDC Member Emails to non TDC accounts be ceased and that:</i></p> <p>i) <i>subject to the associated funding of £8,000 being identified, a standard council-managed Smartphone in addition to a council-managed laptop be provided to those Members that want one to access emails and to be contactable when mobile;</i></p> <p>ii) <i>should it not prove possible to fund the Smartphone costs centrally, then each Member requesting a standard council-managed mobile Smartphone be asked to fund the costs from their allowances (circa two hundred pounds per annum);</i></p> <p>b) <i>subject to a), Full Council continues to acknowledge the ongoing risk to the Council that, in acting as Data Controller, it could potentially be in breach of the Data Protection Act 2018 and that risk</i></p>	<p><i>efficiently. The responsibilities of Portfolio Holders giving direction and making decisions within their individual areas has also been taken into account. In recognition of the above, I am therefore proposing that Officers also explore in more detail the option of a Members’ ‘portal’ as a flexible way for Members’ to continue to use their own devices to access their Tendring District email account. Following the Council’s consideration of the associated report at their meeting on 22 November 2022, the following resolution was agreed: ‘the implementation of any and all changes required be planned for no later than 1st April 2023 in readiness for the commencement of the new Council, following the elections in 2023 and that the new Councillors be given the training’. My proposed approach will have an impact on the above, which is addressed in my recommendations.”</i></p> <p>Having duly considered the recommendations submitted to Cabinet by the Resources & Services Overview and Scrutiny Committee, together with the response of the Portfolio Holder thereto:- It was moved by Councillor G V Guglielmi, seconded by Councillor Stock OBE and:- RESOLVED that –</p> <p>a) <i>the Resources and Services Overview and Scrutiny Committee be thanked for the work they have undertaken and specifically the Members who participated in the associated</i></p>	
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<p><i>will remain whilst the auto-forwarding of Councillors' emails practice continues."</i></p>	<p><i>task and finish group, chaired by Councillor Clifton;</i></p> <p><i>b) the Committee's recommendations a) to g) are agreed and Officers be requested to undertake the associated activities as soon as practicable in 2023/24 in consultation with the Portfolio Holder for Corporate Finance and Governance;</i></p> <p><i>c) in respect of the Committee's recommendations h) to i), it is recommended to Full Council that:</i></p> <p><i>i) although it is recognised that the provision of mobile phones would provide a practical solution to enable Members to access their Tending email accounts, Officers be requested to also explore the alternative option of a Members 'portal' before a final decision can be considered;</i></p> <p><i>ii) subject to ci) above, a further report be presented to Cabinet as early as practicable in 2023/24 that sets out the outcome from the proposed review of the Members' portal' option and recommendations are presented back to a future meeting of Full Council;</i></p> <p><i>iii) subject to ci) and cij) above, Full Council continues to acknowledge that the ongoing risk to the Council, in acting as Data Controller, could potentially be in breach of the Data Protection Act 2018 remains, whilst the auto-forwarding of Councillor emails practice continues; and</i></p> <p><i>iv) whilst the work in ci) and cij) is ongoing, all Members elected in May 2023 are advised of this and the Council's Information Governance</i></p>	
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	<p><i>requirements through their induction programme.</i></p> <p><u>The Recommendation was submitted to the Full Council Meeting on 2 March 2023:</u></p> <p><i>The recommend amendment was passed.</i></p>	
<p><u>This Committees meeting on 1 February 2023 (Minute 8 refers)</u></p> <p><u>BEACH HUT STRATEGY</u></p> <p><u>ENQUIRY RECOMMENDED</u></p> <p><i>“That Cabinet takes into account, prior to its consideration of the draft Beach Hut Strategy, that -</i></p> <p>a) <i>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;</i></p> <p>b) <i>it is recommended that terms and conditions included in lease agreements are fair and equitable and in consultation with Beach Hut owners;</i></p>	<p><u>The Recommendation was submitted to the Cabinet Meeting on 17 February 2023 (Minutes 118 & 119 refers) and the Portfolio Holder’s Comments were as follows:</u></p> <p>a) <i>An independent valuation of prospective lease charges was commissioned, to ensure Cabinet could fully consider the recommendation for the change in Beach Hut agreements. Although this is only an indicative cost at this stage (the valuation will be considered closer to implementation), it is hoped this provides reassurance that future charges would be set at a fair and reasonable level. Furthermore, the Committee should be reassured that agreement of a future non-commercial lease and related charges would be agreed by the Portfolio Holder through an Executive Decision. This will be subject to the Council’s Call in Procedure rules. The setting of charges and respective heads of terms for a Commercial Lease are being agreed through this report. Research from other Local Authorities demonstrates that the</i></p>	

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<p>c) <i>the Committee recommends that appropriate resources are put in place for administration involved in implementing the strategy. That consideration be given to the subsequent cost to the Council of processing leases and that subsequent costs are reported back to the Committee;</i></p> <p>d) <i>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;</i></p> <p>e) <i>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;</i></p> <p>f) <i>noting the point above, it is recommended that certain limited Beach Hut adaptations in parts of the District be 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;</i></p>	<p><i>doubling of appropriate charges for commercial agreements is fair and appropriate.</i></p> <p>b) <i>The Committee are directed to the response provided for the recommendation above.</i></p> <p>c) <i>The Committee should note that there are no financial commitments to the Council, as a result of this report. Any future additional resources will be subject to a separate report and decision. As such, they will be subject to due process, which can be reported back to the Resources and Services Overview and Scrutiny Committee.</i></p> <p>d) <i>The Committee should note that one of the key strands of the strategy, is to revise the current specification. It should also be noted that bright colours are referred to in the draft strategy, as below. The proposed revised and improved specification will provide the framework for improved aesthetics of Beach Huts. This will also ensure huts are more vibrant and visually impactful, through a move towards brighter and starker colours. As such, the Portfolio Holder is in agreement with this positive move to improve seafront aesthetics.</i></p> <p>e) <i>The points raised by the Committee are noted and will be considered in producing the revised design specification.</i></p>	
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<p>g) <i>it is recommended that a map be attached to the emerging strategy to clearly define which land is owned by Tendring District Council;</i></p> <p>h) <i>it is recommended that no Beach Hut designs should be permitted that are contrary to current or future legislation;</i></p> <p>i) <i>to ensure high standards are maintained on Beach Huts and their use, it is recommended that adequate resources should be in place for appropriate enforcement action;</i></p> <p>j) <i>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;</i></p> <p>k) <i>the Committee recommends that the Council continues to support those without access or ability to use digital platforms so that they are still able to deal with a member of staff. As such, sufficient resources should remain in place; and</i></p> <p>l) <i>the new Beach Hut Strategy returns to the Resources and Services Overview and Scrutiny Committee for review in 12 months' time."</i></p>	<p>f) <i>The points raised by the Committee are noted and will be considered in producing the revised design specification.</i></p> <p>g) <i>The points raised by the Committee are noted and if approved by Cabinet, a map defining the land owned by the Council will be produced for publishing on the website.</i></p> <p>h) <i>The points raised by the Committee are noted and any statutory requirements will be addressed in production of the Beach Hut agreements.</i></p> <p>i) <i>As referred to in a previous response, there are no additional financial commitments to this strategy and as such, no additional resources are funded through this report. The Committee's point is noted and as referred to in this report, any future proposed resources would be funded through a standalone business case under a separate decision.</i></p> <p>j) <i>Once the revised design specification is complete, the Council will work with Beach Hut owners to ensure timely removal of any unauthorised adaptations. The timescales involved will be proportionate to the type of adaptation involved, the degree of complexity and any appropriate additional circumstances. The period of 'up to two years' recommended by the Committee is noted, but each situation will be based on a case by case basis.</i></p>	
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	<p>k) <i>The points raised by the Committee are noted and appropriate resources will remain in place to support those customers without access to digital platforms. Finally, the Committee's comment that the 'New Beach Hut Strategy returns to the Resources and Services Overview and Scrutiny Committee for review in 12 months' time' are noted.</i></p>	
<p><u>This Committees meeting on 11 January 2023 (Minute 4 refers)</u></p> <p><u>BUDGET SCRUTINY</u></p> <p><u>ENQUIRY RECOMMENDED</u></p> <p>It was RESOLVED that the CABINET be RECOMMENDED that:</p> <p><i>a) Requests a comprehensive piece of work be undertaken to assess the true costs of services subject to discretionary Fees and Charges (including full on-costs) to ensure that cost recovery is being achieved and that inadvertent subsidy of services from Council Tax income does not exist where those full costs should be met through relevant Fees and Charges;</i></p> <p><i>b) Requests that progress be made (at pace) in the coming months to ensure that Zero Based Budgeting is applied consistently to all major net expenditure areas for the Council and that this process should involve robust</i></p>	<p><u>AWAITING THE DETAILED REPSPONSE</u></p>	

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<p><i>challenges to ensure efficiency, effectiveness and economy of those service based budgets;</i></p> <p><i>c) Makes any necessary arrangements so that, particularly while the current economic conditions prevail, strict caution is observed around estimates of costs of proposed projects/schemes (provided in support of decisions around those projects/schemes) with a view to supporting realistic budgetary allocations being made that more closely align with the costs identified for the projects/schemes following procurement in respect of those projects;</i></p> <p><i>d) Records that the failure of the External Auditors (to conclude in a timely fashion the Audit of the Council's accounts for 2020/21) is an impediment to good governance, including through this Overview and Scrutiny process, and to support the sterling efforts by the Council's Audit Committee to address this failure with the External Auditors;</i></p> <p><i>e) Concurrs that, for future years, the Community Leadership Overview and Scrutiny Committee, shall be requested to examine and enquire into the spend in relation to grants to statutory and voluntary sector partners and to submit its findings to the Resources & Services Overview and Scrutiny Committee in time for its budget scrutiny process; Resources and Services</i></p>		
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<p><i>Overview and Scrutiny Committee 11 January 2023</i></p> <p><i>f) Takes measures (without delay) to ensure that the Housing Stock Survey of the Council's homes is commenced at the earliest opportunity (with a view to it being completed within 2023/24), that regular updates on the Survey be made to all Councillors and that steps be taken to dispose of vacant Council homes that have particular long term maintenance issues with a view to the disposal sum being re-invested in properties that are easier to maintain and, potentially, meeting housing need locally more closely;</i></p> <p><i>g) Supports the statements to the Resources & Services Overview and Scrutiny Committee, that the New Homes Bonus for 2023/24 be held without being allocated until after the 4 May 2023 elections;</i></p> <p><i>h) Proposes to Council that the shortfall between income and expenditure which would otherwise occur in 2023/24 be met by utilising the Forecast Risk Fund and that the use of the Corporate Investment Plan 'Reserve' and Building for the Future Use be applied to balance the budget in 2024/25 if required; and</i></p> <p><i>i) Arranges that an update on the approved and pipeline schemes within/through the Corporate Investment Plan, since its</i></p>		
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<p><i>creation, being submitted to the Resources & Services Overview and Scrutiny Committee's meeting on 21 February 2023 to enable that Committee to undertake an enquiry into the process around that Plan.</i></p>		
<p><u>This Committee's meeting on 17 October 2022 (Minute 6 refers)</u></p> <p><u>FRINTON SUMMER THEATRE</u></p> <p><u>ENQUIRY RECOMMENDED:</u></p> <p><i>That Cabinet</i></p> <p><i>(a) Notes that the Committee supports the intended development of the proposal for a policy in respect of authorising use of Council owned Open Spaces (including criteria and charging), and</i></p> <p><i>(b) gives serious consideration to any future requests of proposed events, which are to be held on the Frinton Greensward, as this event has had as serious and detrimental effect to Frinton's residents, its infrastructure, and its businesses.</i></p>	<p><u>The Recommendation was submitted to the Cabinet Meeting on 4 November 2022 (Minute 68 refers) and the Portfolio Holder's Comments were as follows:</u></p> <p><i>In response thereto, the Environment and Public Space Portfolio Holder had submitted the following:-</i></p> <p><i>"I ask that the enquiry by the Resources and Services Overview and Scrutiny Committee into my decision be welcomed. Having considered the outcome of that enquiry by the Committee, I ask Cabinet to:</i></p> <p><i>(a) note that the Committee supports the intended development of the proposal for a policy in respect of authorising use of Council owned Open Spaces (including criteria and charging), and</i></p> <p><i>(b) record that consideration to any future requests for proposed events which are to be held on the Frinton Greensward will be given."</i></p> <p><i>Having duly considered the recommendations submitted by the Resources and Services Overview & Scrutiny Committee together with the Environment & Public Space Portfolio Holder's response thereto:-</i></p>	

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	<p><i>It was moved by Councillor Talbot, seconded by Councillor Bray and:-</i></p> <p>RESOLVED that the recommendations made by the Resources and Services Overview & Scrutiny Committee be noted and that the response of the Environment and Public Space Portfolio Holder thereto be endorsed.</p>	
<p><u>This Committee’s meeting on 30 June 2022 (Minute 14 refers)</u></p> <p><u>WASTE RECYCLING AND LITTERING:</u></p> <p><u>ENQUIRY RECOMMENDED:</u></p> <p><i>“In respect of the recycling elements of the enquiry:</i></p> <p><i>That the capacity of the Street Scene Team to undertake a range of engagement and recycling promotion work with school age children, members of community organisations and the public through roadshows, Council Tax Bills etc. be assessed and plans brought forward to support this capacity. The Committee believes that this work is vital to ensure we have a well-informed local population about recycling and the benefits of it and that the capacity of the team should provide for this work to be undertaken systematically and consistently;</i></p>	<p><u>The Recommendation was submitted to the Cabinet Meeting on 15 July 2022 (Minute 37 refers) and the Portfolio Holder’s Comments were as follows:</u></p> <p><i>“Colleagues, this report from the Resources and Services Overview & Scrutiny Committee is far too good to just note as it is bursting with intelligent ideas. I want the chance for each to be examined in detail and properly costed, with a view to trying to encompass the report’s ideas. Damian Williams organised a meeting for me yesterday with Andy White and Jonathan Hamlet present. I said that only having received the report a week ago, this was not enough time to present a considered answer at this Cabinet meeting, but that I wanted a detailed answer to be prepared with costs included for the next Cabinet meeting.”</i></p> <p><i>Having considered the recommendations of the Resources and Services Overview & Scrutiny Committee, together with the initial response of the Environment & Public Space Portfolio Holder thereto:-</i></p>	

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<p><i>That, in addition to the steps in (1) above, available data, or proxies for it, about recycling rates within the District be examined to identify those areas where recycling rates are lowest and that the available resources for promotional activity be targeted to those areas to increase recycling rates there. The Committee is conscious of the need to use data to guide action and that this is an area where finite resources can be directed where the need for action is most required.</i></p> <p><i>That proposals for new style three chamber litter bins to separate out general waste from plastic/can recyclables and card recyclables be examined with a view to these being installed in the centres of towns in the District. The Committee considers that these new style bins would help reinforce the message around recycling and further the Council's commitment to it (and positively reinforce the Council's Community Leadership role);</i></p> <p><i>That the expected standards for cleanliness/removal of broken glass at the recycling bring sites in the District be developed and publicised and, alongside these, deployment response times for the cleaning/clearing of those sites be established for reports of issues at those sites when the standards are not being met. This recording will include each incident of 'fly tipping' at the sites. The Committee</i></p>	<p><i>It was moved by Councillor Talbot, seconded by Councillor Bray and:-</i></p> <p><i>RESOLVED that Cabinet notes –</i></p> <p><i>(a) the contents of the report; and</i></p> <p><i>(b) that a full response from the Environment & Public Space Portfolio Holder will be submitted to the next meeting of the Cabinet.</i></p> <p><u>The Recommendation was submitted to the Cabinet Meeting on November 2022 (Minute 70 refers) and the Portfolio Holder's Comments were as follows:</u></p> <p><i>Further to Minute 37 (15.7.22) Cabinet considered the Environment & Public Space Portfolio Holder's detailed reply to the Resources and Services Overview and Scrutiny Committee's recommendations to Cabinet following its inquiry into elements of the waste, recycling and litter collection service. That detailed reply was set out in the Appendix to item A.3 of the Report of the Environment & Public Space Portfolio Holder. (See A.1 APPENDIX B1)</i></p> <p><i>Having duly considered the recommendations submitted by the Resources and Services Overview & Scrutiny Committee together with the Environment & Public Space Portfolio Holder's detailed response thereto:-</i></p>	
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<p><i>believes the recycling bring sites provide a valuable addition to the kerbside recycling collection service and believes that working with the public we can look to keep the sites in the best possible condition by sharing with them the standards they should expect, the means of reporting when those standards are not met and a response regime to those reports that can manage expectations while returning the site to the expected standards as soon as possible; and</i></p> <p><i>(5) That the introduction of an online (MyTendring) form to report a missed bin collection for garden waste collections (Brown bin) be pursued. The Committee regards the availability of a missed bin collection online form for the general waste (Black bin) and recycling boxes (red and green boxes) as positive and that the same 24/7 reporting route should be provided for garden waste where there is a missed collection.</i></p> <p><i>In respect of the public space litter elements of the enquiry:</i></p> <p><i>That the proposals for uniquely coloured (purple) bags for those undertaking Community Litter picks (to distinguish these bags from other forms of waste/recycling) be warmly supported;</i></p> <p><i>That the large blue litterbins used as part of the Summer Plan along the seafront should</i></p>	<p><i>It was moved by Councillor Talbot, seconded by Councillor Bray and:-</i></p> <p><i>RESOLVED</i> <i>that the detailed response of the Environment and Public Space Portfolio Holder to the recommendations made by the Resources and Services Overview & Scrutiny Committee be noted (both being set out in the Appendix to the Portfolio Holder's report) and that they thereto be approved.</i></p>	
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be retained throughout the low season to create a year round approach to litter collection in those spaces. The removal of the litterbins means that out of season there is a reduced litterbin service along the seafront. For residents in those areas and local individuals who use the seafront this reduced service is perceived as a lower standard for them than is provided for tourists. Retaining the bins, even with a reduced emptying regime would demonstrate the obvious commitment of the Council to its residents;

That consideration be given to a pilot scheme along the stretch of the A120 from Ardleigh Crown to Horsley Cross to install high visibility litter bins in the laybys and evaluate the extent of their use (and any potential consequential fly tipping from their introduction) for a 12 months period (and that the experience be used to inform the approach along this road and the A133 going forward). The Committee believes that the pilot approach will provide the Council with valuable information as to whether litter bins in the laybys of major roads in the District would be advantageous;

(9) That the verge litter-picking schedule for the A120 from the new roundabout to the Auction roundabout be increased to six times a year. The current frequency is, in the view of the Committee, demonstrably insufficient to keep the verges concerned

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<p><i>clear of litter and this then could encourage further littering to take place by those who see the extent of litter that is not cleared sufficiently frequently to deter it taking place;</i></p> <p><i>In respect of future service provision:</i></p> <p><i>(10) The Committee welcomed the opportunity to input into the specification for the waste, recycling and street cleaning contract that will be the basis of service provision in those areas from 2026.</i></p> <p><i>[Note: Further to item (10) in the above recommendations, the Resources and Services Overview and Scrutiny Committee had proposed to Council on 12 July 2022 that the development of proposals for the waste, recycling and street cleaning contract specification from 2026 be included in the work programme of enquiries for the Committee for 2022/23.]</i></p>		
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Recommendations monitoring for those recommendations from earlier meetings of the Committee have been previously reported to the Committee and, as such, are not repeated here as there is no further update to be provided on them.