

CABINET MEMBER DECISION RECORD TEMPLATE

This form should be used to record Executive decisions taken by Cabinet Members

Decision Ref. No:
Responsible Officer: Chris Saunders, Head of Operations, Tourism.
Subject: Beach Hut Policy
Decision taken: To adopt the beach hut policy as appended to this decision record.
Reasons for the decision: It is important to have a beach hut policy to ensure that beach hut tenants are treated in a fair and consistent manner. The policy will help to provide a consistent approach to the letting of beach huts in Bournemouth and to ensure the Council gets best value from its beach hut assets.
Call-in and Urgency: This decision is subject to call in procedures.
Background: The Council has approximately 1900 beach hut sites, beach chalets and super huts. Each of these have differing tenant arrangements and different ownership of the hut itself. Working practices on the letting, relinquishments and general administration of beach huts have built up over a number of years. Exceptions are sometimes made for customers with special circumstances and this has recently led to challenge. The absence of a formal policy meant the Council is at risk of further challenge.
Options - and reasons for rejection: Reject the beach hut policy and carry on with informal working practices. Rejected so tenants, customers and staff are clear on the arrangements.
Consultations undertaken: Consultation has taken place with the staff who administrate the policy and the Beach Hut Association who act as representative for the tenants. The final policy has been shaped as a result of that consultation.
Finance/Resource Implications: This policy has no financial or resource impact.
Name: <i>SHAN DARCY</i> Date: <i>01/11/16</i>
Signature: <i>Assistant</i> (of Chief Finance Officer)

Legal implications:

There are no legal implications of this policy.

Name: *Gammour* [Redacted] (of Monitoring Officer)

Date: *3/10/16*

Risk assessment:

The greatest risk is the loss of flexibility to deal with special cases and customer requests. The policy has been written in a way which gives staff the ability to make a judgement in special circumstances.

The policy clears up any confusion and seeks to formally adopt working practices that have built up over many years. Formal adoption helps to reduce the risk of challenge.

Name: Chris Saunders Signature: (of Officer completing assessment) [Redacted]

Date: 27/10/2016

Impact Assessments:

Equality & Diversity.

This policy establishes a fair and open set of procedures for beach hut decisions to be made.

Background papers:

The Policy is attached as Appendix 1

Any conflict of interest declared by a Cabinet Member who is consulted by the Member taking the decision	Name of Cabinet Member N/A	Nature of interest	Details of any dispensation granted by the Monitoring Officer
Yes/No* (*Delete as appropriate)			

Decision taken by:

Councillor Lawrence Williams Cabinet

Portfolio; Tourism, Leisure and The Arts.

Sign [Redacted]

Date of decision: *2/11/16*

Date of publication of record of decision:

Date decision effective - that is 5 working days after the date of publication of the record of decision unless the decision is called-in for consideration by the relevant Overview and Scrutiny Panel:

4 November 2016

-insert
date-



Building a Better Bournemouth

Bournemouth Borough Council Beach Hut Policy

1. Why do we have this policy?

Reason

It is important to have a beach hut policy, to ensure that beach hut tenants are treated in a fair and consistent manner.

Purpose

To provide a consistent approach to the letting of beach huts in Bournemouth and to ensure the Council gets best value from its beach hut assets.

Background

The Council lets approximately 1450 beach sites each year. These are held on an annual licence and customers own their own hut. The maintenance of the hut is the owner's responsibility. The Council also has approximately 450 beach huts which it owns and maintains. Approximately half of these are let on annual licences with the rest being available for period, weekly or day hire.

The licence period generally runs from 1st April through to 31st March the following year.

The licence agreement will define the terms of the tenancy.

The Council also has a series of 'super hut' sites which are let on a long lease in return for an upfront lease payment.

Beach hut sites

Ownership

- Beach hut sites are let by the Council on an annual basis. The named person on the agreement owns the huts on the site.
- The Council may wish to upgrade and change the appearance of certain sites and huts in line with the general aspiration to improve the seafront facilities. This will be done in consultation with the Beach Hut Association and in dialogue with the affected the tenants where possible

Waiting lists

- The beach is sectioned in to 8 areas and waiting lists are held for each individual area.
- A fee is levied for a place on the waiting list and officers will make it clear to the individual, in advance that there may be a long wait until a suitable site is offered to them.
- Access to the waiting list will only be granted to Bournemouth residents with the exception of the following areas;

Bournemouth East
Boscombe West

Proof of residency (Council tax bill) will be required at this time.

- Applicants must indicate which waiting list they wish to be on. If they choose multiple waiting lists they will be charged accordingly for each list.
- The Council will close waiting lists when the wait is considered too long, usually around 15 years. The Council will open the waiting lists when the numbers reduce to less than 5 years waiting time.
- The aim is to have waiting lists published online. This is anticipated for the 2018 booking year.
- When the individual gets to the top of the waiting list they will be offered the next site that is available. Where customers decline the offer of a particular site they will remain at the top of the list and receive an offer of the next available site. Once they have turned down 3 sites they will be removed from the list.

If a site is turned down it will automatically be offered to the next person on the waiting list.

- Where sites are turned down multiple times the Council will let it to the first person that comes forward. This will help stop sites being vacant for long periods of time.

Ownership

- Once the site has been accepted the Council will put the holder of the old licence in contact with the new tenant. It will be up to the relinquishing tenant and the new tenant to agree a fee for the hut should both parties wish to buy or sell.
- If an agreement is not reached the relinquishing tenant will have 14 days from notification to remove the hut from site.
- The beach hut licence is only for one particular site as designated, and in accordance with the annual licence.
- The beach hut licence is specific to the individual named on the agreement
- The licence will commence from the date the offer is made.

- The licensee will be responsible for all costs in relation to the hut including the licence fee and non-domestic (business) rates.
- All beach huts should be painted in one single colour; no patterns are permitted. The Council will specify the colour in certain areas of the seafront.
- The Seafront Team will monitor the maintenance of all beach hut sites throughout the year. If it is felt the hut is not kept to the specified standard as per points 1. f) and g) of the licence, an initial letter will be sent and the tenant will be required to carry out work within 28 days. Should they fail to complete this requested maintenance within 28 days, then one final letter will be sent and they will have a further 28 days to complete until the licence is reviewed.
- The Council will from time to time amend the licence terms and conditions. On these occasions tenants will be notified either electronically or by post. It is likely this will require a new licence to be signed and/or accepted.
- In exceptional circumstances the Council will offer a site to someone not on the waiting list. Examples may be in the case of death, divorce and development of the existing sites for other purposes and the reason will be recorded on file and agreed by the Service Director or deputy.

Relinquishments

- Tenants may relinquish their licence by giving 28 days' notice during the months of February and March each year.
- In line with the licence conditions the Council may issue 28 days' notice to tenants at any time during the year.
- Should a new tenant not be found within the 28 days the Council will take ownership of the site. At this stage a discussion will be had with the tenant over the hut and the Council reserve the right to ask the tenant to remove the hut in accordance with the licence. The Council can in exceptional circumstances make an exception to the rule and agree relinquishments mid-year. In these cases, the pro-rata payment in line with the schedule of prices will be applied.
- New tenants in all areas with the exception of the Bournemouth East and Boscombe West must be residents of Bournemouth at the time of taking on the licence. Once they have a licence & should they later move outside of the Borough, relinquishments will not be pursued.
- In accordance with 4.1 of the annual licence the person named on the beach hut licence cannot transfer the hut to any other family member or friend. The only exception to this is if the licence holder passes away, then a person living at the same address can transfer the licence into their name. Proof of address will be required in the form of a utility bill, Council tax bill, or driving licence. The rules regarding Bournemouth residents will be adhered to. If a hut is transferred into someone else's name, then a £30 admin fee will be applicable. The Council will in exceptional circumstances (death, divorce etc.) use discretion in applying this rule. With any variation recorded on file and approved by the Service Director or deputy.

Payment

All invoices will be issued each March. Payment can be made in full or by direct debit as per Council payment terms. If tenants default payment more than twice in one financial year, then they will have 28 days to pay the balance or the ownership of the hut will revert back to the Council, and the licence will cease.

- Should payment become overdue by 28 days or more the council reserve the right to change the locks on the hut and therefore refuse access until such a time that payment is made
- Any outstanding payments of £500 or more will be subject to the Council obtaining the money through County Court action.

Access

- Tenants are not permitted to sleep overnight in their beach huts.
- Tenants are only permitted to access their beach hut with a vehicle at the following times:
 - Morning Access:
 - All year between 9am and 10am
 - Afternoon Access:
 - April to June 5pm – 5.30pm
 - July and August 5.30pm – 6pm
 - September and October 5.00pm – 5.30pm
 - November to March 3.30pm – 4pm
- These times may change due to operational needs at the discretion of the duty Senior Ranger.

Overcrowding and anti-social behaviour

- Should overcrowding or anti-social behaviour of a hut (as defined by the licence) be reported to the operations team then a member of staff will investigate and if necessary, advice or a verbal warning will be given. If the problem persists then a letter will be sent, and if it continues the tenant's licence will be reviewed accordingly.

Consultation

- Council officers will meet with the Bournemouth Beach Hut Association twice yearly. Consultation will take place with the association on major changes and development throughout the year.

Council owned beach huts

All the above policies also apply to annual beach huts with the following adjustments:

- One waiting list is to be kept for the whole seafront. This list will contain notes of applicant's preferred area.
- When huts are handed back to the Council an assessment on the best financial option will be made before deciding whether to offer the hut again to an annual tenant or put it back into the general hire stock.

Weekly/ period bookings

- No bookings will be taken before 1st January each year to allow for site movements and changes to be made.
- All bookings will be done on a first come, first served basis via telephone or the website.
- In exceptional circumstances the Council will reserve huts for customers prior to the booking window opening.
- Payment will be taken at the time of booking and refunds only processed in line with the terms and conditions of the booking

Daily booking

- Daily booking will only be allowed 28 days in advance of the booking date.

Super huts

Super huts are held on long term leases and are subject to the lease terms. The huts are larger than standard beach huts and the tenants purchase the lease with an up-front payment for the agreed term, usually 25 years. These are subject to an annual charge in line with the lease requirement.

Sale of super huts will not be limited to Bournemouth residents and the most appropriate sale mechanism to achieve best value will be undertaken at the time.

Waiting lists do not exist for super huts and they are sold on a first come, first served basis.

Equality Impact Needs Assessment

The Diversity Promise - *Better for all*

Title of Policy/Service/Project	Beach Hut Policy
Service Unit	Tourism & Corporate Communications
Senior Responsible Officer & Job Title	Mark Smith, Service Director, Tourism & Corporate Communications
Lead Responsible Officer and Job Title	Chris Saunders
Members of the Assessment Team: Please indicate for each person if they are an employee, partner or customer.	
Start Date of assessment: End Date of Assessment (this should be before the date of decision):	October 2016

About the Policy/Service/Project:

Which of the Council's Equality Objectives does this policy/service/project support?

Equality for All: <http://www.bournemouth.gov.uk/CouncilDemocracy/EqualityDiversity/Equality-for-All.pdf>

1. We will provide service with fairness, dignity and respect and ensure access is based on need.
2. We will improve people's feeling of safety and reduce the fear of anti-social behaviour.
3. We will improve the life chances of young people in Bournemouth.

List the main people, or groups of people, that this policy/service/project will benefit?

Residents and visitors to the town.

Detail how will they benefit below

Clarity over the booking and relinquishment process for beach huts.

Please detail below how this policy/service/impact on any other organisation and their customers.

BHA - provides clarity for their members

Consultation, Monitoring and Research

Where there is still insufficient information to properly assess the policy, appropriate and proportionate measures will be needed to fill the data gaps. Examples include one-off studies or surveys, or holding informal consultation exercises to supplement the available statistical and qualitative data.

If there is insufficient time before the implementation of the policy to inform the EINA, specific action points will be need to be clearly set out in the action plan. Steps must include monitoring arrangements which measure the actual impact and a date for a policy review.

Consultation:

Please list those who have been consulted with in development / design of this policy/service/project provide a summary of the results below ?

Internal (e.g. council staff, Members)

Mark Smith Service Director, Tourism & Corporate Communications

Councillor Williams (Portfolio Holder)

Andrew Brown , operations Manger

Sam Hawkins

Amanda Barrie

External (e.g. partners, service users, general public)

Beach Hut association

Please provide a summary of the findings from these consultations below.

Everyone in favour of the policy which give clarity to s staff and customers

How have the findings in the above consultation & research been used to inform or used to design the new service or influence Policy or project?

N/A

If you have not carried out any consultation, or if you need to carry out further consultation, who will you be consulting with and by what methods?

N/A

Monitoring and Research:

What data, research and other evidence or information have you used to inform your decision making? Detail all sources below

Custom & practice built up over a number of years

Is there any service user/employee monitoring data available and relevant to this policy/service/project? What does it show in relation to equality groups?

N/A

Do you have enough information to make a decision? Yes
If No then how are you going to remedy the gap in knowledge?

Assessing the Impact

Which of the following protected characteristics would actually or potentially benefit or be disadvantaged as the result of this policy as evidenced above?

	Actual or potential benefit	Actual or potential negative outcome
Age	No impact	No impact
Disability	No impact	No impact
Gender	No impact	No impact
Gender reassignment	No impact	No impact
Pregnancy and Maternity	No impact	No impact
Marriage and Civil Partnership	Clarifies position in relation to reassignment of huts	
Race	No impact	No impact
Religion or Belief	No impact	No impact

	Actual or potential benefit	Actual or potential negative outcome
Sexual Orientation	No impact	No impact
Any other factor/ groups e.g. socio-economic status/carers etc	Establish a fair basis for the booking and assignment of beach huts	
Human Rights	N/A	N/A

STOP - Any policy which shows actual or potential discrimination.

Action Plan

Review date:

Monitored by:

Reporting to:

Date Actions transferred to Service Equality Action Plan?:

Include:

- What has/will be done to reduce the negative impacts on groups as identified above.
- The arrangements for monitoring the actual impact of the policy/service/project

Brief Summary of Issue(s) identified	Specific action required to mitigate, lesson or remove issues identified	Measurable Outcomes	Responsible officer	Due Date

Date this EINA sent to the Equality and Diversity Team:

Equalitiesanddiversity@bournemouth.gov.uk

G2 Initial Risk Assessment



PROJECT NAME:

Beach Hut Policy Oct 2016

PROJECT RISK LEVEL:

LOW

Table 1 - Suggested criteria on which to score the type of project (please tick appropriate category)					
CRITERIA				Score	
1) Duration of Project	0-6 months <input checked="" type="radio"/>	7-12 months <input type="radio"/>	Above 1 year <input type="radio"/>	2	
2) Effort	1-4 people (FTE) <input checked="" type="radio"/>	5-10 people (FTE) <input type="radio"/>	11+ people (FTE) <input type="radio"/>	1	
3) Business Impact	Business Unit/Service <input checked="" type="radio"/>	More than 1 BU <input type="radio"/>	Council/External <input type="radio"/>	3	
4) Priority	Desirable <input type="radio"/>	Highly Desirable <input type="radio"/>	Essential <input checked="" type="radio"/>	6	
5) Cost	Up to £250k <input checked="" type="radio"/>	£251k-£500k <input type="radio"/>	Over £501k or if project is to be funded through prudential borrowing <input type="radio"/>	2	
6) Risk Impact	Low Impact - Minor service disruption/inconvenience, minor injury, small financial loss, isolated service user complaint. <input checked="" type="radio"/>	Medium Impact - Service disruption, More serious injury or financial loss, adverse media coverage, numerous service user complaints <input type="radio"/>	High Impact - Significant or total service disruption, major disabling injury or fatality, high or catastrophic financial loss, adverse national media coverage, ministerial intervention in service running. <input type="radio"/>	1	
				Risk Score	15

A numerical rating is applied to each cell (see Table 1) For example a 'Priority' of 'Highly Desirable' is worth 3 points and a 'Cost' of '£501-£1m' is worth 5 points. Totalling the points scored for each 'criteria' gives a project score. This score is then mapped against a project-risk status in Table 1 below:

Table 1 - Risk Status	
Project Risk Rating	Points Total
Low	Between 10-18
Medium	Between 19-35
High	36+