



FULL COUNCIL

Wednesday, 25 May 2022

Subject	PETITION FROM BEACH HUT OWNERS ON THE TERMINATION OF LICENCES AT THE SPA AREA, FELIXSTOWE
Report by	Cllr Steve Gallant
Supporting Officer	Laura Hack Delivery Manager Laura.hack@eastsuffolk.gov.uk 07719187965

Is the report Open or Exempt?	OPEN
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Category of Exempt Information and reason why it is NOT in the public interest to disclose the exempt information.	Not applicable
Wards Affected:	Eastern Felixstowe

Purpose and high-level overview

Purpose of Report:

1.1 Sarah Brewster-Scott has submitted a petition and in accordance with the Council's Constitution, any petition with 1200 signatures is referred to full Council for a debate.

The exact wording of the petition is:

"The beach has disappeared In front of the spa pavilion beach huts rather than find an acceptable resolution the council have terminated our licences. The beach huts have been in the same position for over 100 years and are oldest beach huts in the UK. normally for 6 months of the year the huts spend the winter on the promenade, now apparently due to supposed complaints we cannot stay on the prom."

There are many unanswered questions firstly why has nothing being done to rectify why the beach has washed away after £10 million was spent on groin works to hold the Beach in place.

Please support our plight in keeping part of our National Heritage otherwise 44 huts will be removed forever."

Options:

As per Section 9 of the East Suffolk Council Petition Scheme there are several courses of action available to the Full Council regarding the consideration of petitions, including but not limited to:

- Taking the action requested in the petition
- Undertaking research into the matters raised (this could include referring the matter to the relevant Cabinet Member or Officer of the Council)
- Holding a meeting with the petitioners
- Referring the petition to the Scrutiny Committee
- Holding a public meeting
- Holding an inquiry
- Providing a written response to the petition organiser setting out the authority's views on the request in the petition
- Considering the petition at a future Full Council meeting
- Calling for a referendum
- Undertaking any other course of action open to the authority that is specific to the subject of the petition.

Recommendation:

To consider a response to the petition submitted on behalf of the 44 beach hut owners at the Spa area of Felixstowe Prom.

Corporate Impact Assessment

Governance:

As per Section 9 of the East Suffolk Council Petition Scheme, the protocol for a petition containing more than 1200 signatures will automatically be referred to Full Council. This means that the petition will be considered at a meeting at which all Councillors can attend. The Council will then decide how the matter should best be considered.

ESC policies and strategies that directly apply to the proposal:

Not applicable at this stage

Environmental:

Not applicable at this stage.

Equalities and Diversity:

Not applicable at this stage

Financial:

Not applicable at this stage

Human Resources:
Not applicable at this stage.
ICT:
Not applicable at this stage
Legal:
Not applicable at this stage
Risk:
Not applicable at this stage

External Consultees:	N/A for the purposes of the report
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Strategic Plan Priorities

Select the priorities of the Strategic Plan which are supported by this proposal: (Select only one primary and as many secondary as appropriate)		Primary priority	Secondary priorities
T01	Growing our Economy		
P01	Build the right environment for East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P02	Attract and stimulate inward investment	<input type="checkbox"/>	<input type="checkbox"/>
P03	Maximise and grow the unique selling points of East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P04	Business partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P05	Support and deliver infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T02	Enabling our Communities		
P06	Community Partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P07	Taking positive action on what matters most	<input type="checkbox"/>	<input type="checkbox"/>
P08	Maximising health, well-being and safety in our District	<input type="checkbox"/>	<input type="checkbox"/>
P09	Community Pride	<input type="checkbox"/>	<input type="checkbox"/>
T03	Maintaining Financial Sustainability		
P10	Organisational design and streamlining services	<input type="checkbox"/>	<input type="checkbox"/>
P11	Making best use of and investing in our assets	<input type="checkbox"/>	<input type="checkbox"/>
P12	Being commercially astute	<input type="checkbox"/>	<input type="checkbox"/>
P13	Optimising our financial investments and grant opportunities	<input type="checkbox"/>	<input type="checkbox"/>
P14	Review service delivery with partners	<input type="checkbox"/>	<input type="checkbox"/>
T04	Delivering Digital Transformation		
P15	Digital by default	<input type="checkbox"/>	<input type="checkbox"/>
P16	Lean and efficient streamlined services	<input type="checkbox"/>	<input type="checkbox"/>
P17	Effective use of data	<input type="checkbox"/>	<input type="checkbox"/>
P18	Skills and training	<input type="checkbox"/>	<input type="checkbox"/>
P19	District-wide digital infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T05	Caring for our Environment		
P20	Lead by example	<input type="checkbox"/>	<input type="checkbox"/>
P21	Minimise waste, reuse materials, increase recycling	<input type="checkbox"/>	<input type="checkbox"/>

P22	Renewable energy	<input type="checkbox"/>	<input type="checkbox"/>
P23	Protection, education and influence	<input type="checkbox"/>	<input type="checkbox"/>
XXX	Governance		
XXX	How ESC governs itself as an authority	<input checked="" type="checkbox"/>	<input type="checkbox"/>
How does this proposal support the priorities selected? The consideration of a petition of over 1200 signatures by Full Council is part of the governance procedures of the Council.			

Background and Justification for Recommendation

1 Background facts	
1.1	The Council issue over 980 licences to beach hut owners for their hut locations in Felixstowe. Huts are privately owned and can be sold by the owner; the licence is for the hut to be placed in a certain location. Hut locations are moved from time to time due to coastal forces, beach maintenance or development reasons. Currently licences are issued on a 3-year term. The 44 licence holders therefore make up 4.5% of the beach huts in the resort.
1.2	<p>The terms of the licence to occupiers are such that (Appendix A):</p> <p><i>5.3 The Council may terminate the Licence at any time by giving one month's notice to the Licensee, except that termination may be forthwith and without notice: -</i></p> <p><i>5.3.1 if the Licensee breaches any of the terms of the Licence;</i></p> <p><i>5.3.2 if the Council deems it necessary for safety or other reasons (in which event, if practicable and without obligation, the Council will use reasonable endeavours to offer the Licensee an alternative site).</i></p>
1.3	The Felixstowe promenade has Highway status and is maintained by Suffolk County Council to footpath standards. Beach huts at Pier South, Pier North and the Spa have a licence to be located on the beach, with positions on the beach shown by markers on the edge of the Prom but are moved to the Prom at the end of the season – between October and Easter each year for winter storage.
1.4	In July 2017, concerns were raised by the Felixstowe Beach Hut and Chalet Association of beach material being washed away under huts located directly in front of the Spa due to tidal erosion (between Groyne 105 and 106); subsequently 9 huts (numbers 32 to 40) were moved from the beach onto the Prom for the rest of the season due to the continued cliffing of the beach in this bay. One hut subsequently relocated to Manor End to occupy a vacant site.
1.5	In November 2017, a presentation was given to Cabinet members on the situation and potential options available, highlighting that the cost to replenish the beaches for huts at Pier South, Pier North and the Spa (85 in total) was on average £14-£17,000 a year.
1.6	On 6 Feb 2018, officers from the Coastal Management team undertook a site visit to Felixstowe beaches and determined that there was not enough beach material in situ available to create a sand platform for any of the huts at the Spa (totalling

	55) and the decision was made by the Leader and Deputy Leader to leave them on Prom temporarily until a solution could be determined.
1.7	On the 1 March 2018, the storm nicknamed 'Beast from the East' colluded with Storm Emma scouring beaches further at the Spa area to a drop of circa 2 m's from the top of the Prom, exposing concrete and metal structures from WW2. Hut licence holders were written to explaining the situation.
1.8	16 March 2018, officers from the Council met with representatives from the FBH&CA to discuss the issues and potential solutions. The Association were informed that other sites were being explored to move huts to on a permeant basis. Subsequent meetings to explore options with the Association were had throughout 2018.
1.9	20 November 2018, a face-to-face meeting was organised at the Orwell Hotel in Felixstowe to which hut licence holders of the Spa and Pier North were invited. This meeting set out the process for relocation of the huts and stated that the Council was operating a cost-neutral position on the creation of new sites. A letter was subsequently sent to hut licence holders offering 7 opinions and asking them to rank their preferences. These ranged from moving to Manor End, Pier South or The Dip, to be sited on wooden platforms or the potential relocation to an accessible 'beach village' or new development at Clifflands. The final option was the termination of licences. Hut owners ranked wooden platforms and Pier South as the main opinions considered. The 'beach village' was ranked in 6 th place by the majority of licence holders, with termination of licences in 7 th place.
1.10	Planning permission was received for The Dip location (DC/18/0273/FUL) to create space for 16 beach huts. These were a mixture of new huts (to be sold to pay for the works) and the relocation of existing huts from the Spa. One hut initially took up this offer to move from the Spa Pavilion.
1.11	Council officers worked with a structural engineer to put together a proposal for wooden platforms at the Spa location over summer 2019. Consultation plans were presented to hut licence holders at a face-to-face meeting held at Felixstowe Town Hall on the 6 June 2019. Costings for the proposal were budgeted at circa £500,000.
1.12	A planning application (DC/18/0272/FUL)-was submitted to create a further 6 hut sites at Pier South, alongside the extension and strengthening of the concrete wall in this location. This was rejected by the Local Planning Authority Committee on the 25 June 2019.
1.13	A planning application in December 2019 to create 5 new hut spaces to the south of the current row at Manor End was submitted (DC/19/4811/FUL). This was granted and 4 huts have subsequently moved to this location.
1.14	Oct 2019 - Concerns over the business case for the timber platforms were raised internally, based on environmental issues, cost, life expectancy of the structure and access. Other solutions were discussed internally, with a trial scheme proposed for concrete retaining walls deemed the next solution to try out.
1.15	Feb 2020 - Hut licence holders were written to updating them on this situation citing in the letter that 'the scheme to build wooden platforms is deemed high risk, not simple to engineer, would be costly and only has a projected 20-year life span, with no guarantee of achieving planning permission'. The proposed bays for their location were also not the preferred ones of hut owners, many of whom expressed a wish, through the Association, to go back to their former locations.
1.16	In February 2020, a submission was made to Planning (DC/20/0953/FUL) for a trial scheme for concrete platforms. This proposed to undertake an engineering trial

	<p>over the summer period using two of the existing bays that beach huts at the Spa area had been formerly placed on. The proposal for the trial was an experimental design, building up a concrete retaining wall behind which sand will be infilled and levelled and huts could be placed onto.</p> <p>The wall was proposed to be made of interlocking concrete demountable blocks, approximately 2000 mm square by 1000 mm deep built two blocks high with staggered centres. The costings for the trial were circa £131,000 ex VAT with the cost of the whole scheme circa £407,000 and a further annual cost of removing the blocks for the winter £156,000.</p> <p>Although the trial received planning permission, due to COVID and the subsequent lockdowns, the concrete could not be manufactured as all, but essential, businesses halted manufacture.</p>
1.17	<p>8 Feb 2021</p> <p>Felixstowe beachfront was hit by Storm Darcy and the beach material scoured. It was determined through discussions between SMT and Coastal Management that the beach platform trial should not go ahead as the area experienced substantial falls in beach levels, meaning that there was not enough material in the area for the depth required to insert the platforms.</p> <p>A letter was sent to hut licence holders explaining the situation and noting that, <i>'East Suffolk Council does not own the land beyond the low tide mark so possible solutions, such as beach replenishment and/or alterations/extensions to groins are dependent on third party support and priorities, together with an assessment of the financial viability and likely longevity of any such scheme.'</i></p> <p><i>All the Spa huts currently in situation on the promenade will remain on the promenade at this time, this however has always been considered a temporary solution. ESC is actively reviewing all options.'</i></p>
1.18	<p>In April 2021, an options paper was presented to Leader and Deputy leader on other possible solutions for the location of the Spa beach huts and a presentation was then given to representatives of the Association for their comments.</p>
1.19	<p>29 July 2021</p> <p>A face-to-face meeting with hut licence holders was organised at Trinity Park, led by the Leader of the Council. The options discussed with the Association were presented to licence holders and four sites were put forward. It was stated at the meeting that if these final options did not come to fruition, the Council's only option was to terminate licences on 31 March 2022.</p>
1.20	<p>9 September 2021, a representative of the Association requested an informal meeting with the Leader to discuss a range of issues around the huts at the Spa and in particular the planning application some members of the Association wished to put forward, which would see niches created in the Prom wall for circa 20 huts to remain in this location.</p>
1.21	<p>October – December 2021 four applications for new hut site locations were submitted to Planning:</p> <ul style="list-style-type: none"> • DC/21/5479/FUL - Beach Platform South Beach Felixstowe • DC/21/5102/FUL - Area on beach materials seawards in front of prom and steps at Clifflands Cliff Road Felixstowe

	<ul style="list-style-type: none"> • DC/21/5174/FUL - Area Between Front Row Of Beach Huts At Golf Road Car Park Golf Road Felixstowe • DC/21/4756/FUL - Beach Hut Area South Seafront Langer Road Felixstowe
1.22	<p>14 Feb 2022</p> <p>Termination letters and notices were sent to the 44 beach hut site licence holders for their current licences at the Spa. Hut owners were informed that alternative sites were being taken forward to Planning and that licences in respect of huts currently at this location would not continue beyond the end of March 2022.</p> <p>It was acknowledged that the outcome of these applications was yet to be determined but, if successful, the huts can then be moved, and new licences issued for the new locations.</p>
1.23	<p>7 March 2022</p> <p>Planning committee refused two of the four sites submitted - DC/21/5174/FUL and DC/21/4756/FUL. This left 30 new hut locations available.</p> <p>Hut owners were formally asked to put a preference for one of the new locations available and empty their huts ready to move by the 25 April.</p>
1.24	<p>24 March 2022</p> <p>Petition received by the Council.</p>

2 Current position

2.1	<p>There are several significant reasons why the huts are only temporality sited at their current location. While the huts have stood for many years on the Prom temporarily in the winter months they have, until the beach erosion issue arose, always been moved back onto the beach for the 'season'. Additionally, in recent years the number of visitors to the resort has risen considerably, particularly since COVID19 and with ongoing development and investment, the popularity of the town is set to increase further. The Prom is an important feature and pedestrian route that enables large numbers of people to traverse up and down the length of the seafront, both on foot and bicycle. The beach huts significantly restrict the width of the Prom which, from its own observations and the comments of others, the Council feels presents restricts the enjoyment of other Prom users and presents a health and safety issue. This situation is exacerbated in the summer months when hut users are more likely to sit outside their huts and can become a major concern when there are events on or close to the Prom.</p> <p>While there have been a small number of 'formal complaints', the Council is aware from local commentators and through its own observations that the restricted access (sometimes down to c2m) along the Prom reduces the enjoyment and on occasion the safe passage of cyclists, people in wheelchairs and parents with pushchairs or escorting small children. The latter inevitably get caught up in the squeeze causing concern and reducing what should be an enjoyable experience.</p> <p>There is a major concern when during local events the restrictions created by the beach huts on the Prom pushes crowds towards the open seawall edge. The Council is not aware of any 'fall' incident to date – but with the rising popularity of the town is now concerned about the risk of such an occurrence. It is also worth noting that the Prom has highway status and in addition to use by cyclists etc. access is required by service and cleaning vehicles and mechanised equipment. As</p>
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	noted in legal documentation, it has been accepted by the Felixstowe Beach Hut and Chalet Association that beach huts temporarily placed on the Prom cannot stay in their current position permanently.
2.2	At the current time, 44 beach huts are on the Prom at the Spa without a licence. Invoices for 2022/23 have not been issued. This is a deficit of circa £23,420 for the Council in licence fees.
2.3	30 new hut sites have been identified and licence holders have been asked their preferences and reasons for these for the 30 sites, with consideration to health and personal circumstances.
2.4	The Felixstowe Beach Hut and Chalet Association have served the Council with an application for a Judicial Review, submitted 4 May 2022.

3 How to address current situation

3.1	To be debated by Full Council
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4 Reason/s for recommendation

4.1	As per paragraph 9 of protocol
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Appendices

Appendices:

Appendix A	Felixstowe Beach Hut example licence
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