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RE: Licensing application by Whitstable Oyster Company for a large outdoor seating area on Reeves Beach.

Reference: LAPRE/20/01008

Notification of a Premises Application/Variation

Reference:- LAPRE/20/01008

Premises Detail:- The Forge, 1 Sea Wall Whitstable, Kent CT5 1BX

Dear Mr Walden,

The Whitstable Beach Campaign was founded nearly twenty years ago with the sole aim to preserve the unspoilt nature of the beach and protect the right of access to it. We believe that the beach, which is privately owned (but publicly funded), is vital to the community as it is a much-loved open space which should be protected for all time. We believe that Canterbury City Council would be negligent in granting an extension of the license to this seafront venue. Issues of particular concern include:

- The site of this development is at the intersection of the proposed Coastal Access long-distance path and public footpath Public Right of Way CWX28, one of the most well-used access points to the beach. Please note that PROW CWX28 extends to the high water mark and therefore the proposed seating area (shaded in red in the Applicant's plan) would obstruct it.

This is already a congested pinch point due to the food & drink operations of the Forge. Wholesale enlargement of the seating area will make it worse. This is of particular concern to users of wheelchairs and mobility scooters and to people with small children and pushchairs. Please note also that the CCC Licensing website shows the location of this venue incorrectly, to the east of its actual position (see attached) so people relying on this information for their comments to this application have been misinformed.

- Noise and litter are likely to be a concern, especially for people living nearby and for other users of the beach, as evidenced by the pictures taken outside other associated Whitstable beachside food & drink outlets attached.
- The Applicant has shown mismanagement of similar operations at various times – most recently showing poor judgement in opening its outlets during the COVID-19 emergency and generating strong adverse criticism in the press and national TV. The applicant's licence for the 'Brewery Bar' situated at the East Quay was also suspended for anti-social activities including violence and

drugs, again receiving critical media attention. (See press & CCC Licensing Sub-Committee report attached).

- The use of the licensed seating area, especially in the evening would be likely to lead to an increased level of noise and disturbance to residents in the locality. As such the proposal would be contrary to policy BE1 of the Canterbury District Local Plan which seeks, inter alia, to ensure compatibility of adjacent uses.
- The 120-seat area would afford a focus for night time anti-social activity. Teenage drinking and drug use is a perennial problem on Whitstable beach but as of recent years has become worse. The issues of underage drinkers congregating on the beach and confiscation of alcohol has been reported widely in the local press and other media within the last few weeks (see press reports attached). Most recently (26-06-20) a police Dispersal Order was issued for the beach as a measure to crack down on anti-social behaviour.
- The proposed seating area is in immediate proximity to where the Sailing School run regular sessions for large numbers of juniors including the youth training programme for school children age 8 and upwards. These sessions run throughout the year and during school holidays. Children would be exposed to large groups of people consuming alcohol and in order to launch boats would have to pass through or close by to the proposed extension and negotiate any queue around the Forge and occupied area. The Forge already serves alcohol, but the seating area is presently contained to the landward side of the sea wall.
- The proposed seating area will occupy a large section of the beach which has long been utilised by Whitstable Yacht Club (established in 1904) for the parking of sailing craft. This change of use will affect the club's operations adversely and is potentially a threat to its long-term existence.
- During the Whitstable Beach Village Green Inquiry (2016) the Applicant gave evidence that one of his reasons for opposing the right of people to carry out legal pastimes and pursuits on the beach was the possibility of organisms being brought onto the beach via the footfall of beach users, which would contaminate the oyster stocks of the WOFC. The proposed seating area will be an incursion onto the beach that will increase the footfall and therefore (as the Applicant has confirmed) increase the risk of contamination to the oysters retailed at these premises.
- Currently there are no dedicated toilet facilities for this establishment. The applicant refers to a planning application (reference CA/20/00347) for

proposed changes to the adjacent Goldfinch building which will include the addition of additional public toilet facilities for use by customers. We would strongly urge that no licensing decision is made until and unless (a) the local authority's Environmental Health department has approved this arrangement and (b) the Applicant's planning application (reference CA/20/00347) has been granted by CCC. The provision of suitable toilet arrangements by the Applicant should be a condition of any licensing approval.

- It is unlikely that the other speculative planning application referred to in this application (that includes decking of the beach) will be granted as a similar application for decking by the Applicant (CA//08/00278/WHI) was refused on the grounds that: *"The proposed development, by virtue of the introduction of built form in place of the natural beach would inhibit the free and unhindered public access of the beach that is protected as existing open space. Furthermore, the proposed development would formalise what is essentially an informal area of beach front substantially changing the character of the area. The proposed development is therefore contrary to Policy QL1 of the Kent and Medway Structure Plan 2006 and Policies BE1 and C24 of the Canterbury District Local Plan First Review 2006"*.

The logical way of processing this Premises Application / Variation would be to await the outcome of the various planning applications referred to by the Applicant and on which it is contingent before granting a licence. (A change of use application for this section of the beach would presumably be required also as this area has a long history of being leased for boat parking). Until the planning applications are decided by the LPA the Licensing Committee will not have the necessary information required to make an informed decision on this Application. Currently the planning situation is speculative and unknown.

- Precedent. Granting of this licensing application would make it hard for CCC to refuse similar applications in the future leading to the creeping commercialisation of Whitstable's unique unspoilt beach. The proliferation of licensing outlets on the beach is clearly in contravention of all 4 of the licencing objectives.

The Whitstable Beach Campaign.