

WALBERSWICK COMMON LANDS CHARITY

Policy on Licences for Beach and Fishing Huts 2020

29 January 2020

Background

The following Policy was first adopted in March 2008 and thereafter communicated to all licensees. The Policy has since been revised on five subsequent occasions, most recently on 29 January 2020.

The Charity was established to protect the land in its ownership and to benefit the residents of Walberswick. This provision of benefit applies not only to the allocation of financial assistance, but also to the allocation of resources owned by the Charity including its land and property. Accordingly, the Charity gives preference to residents of Walberswick when granting Licences for Beach Hut and Fishing Hut ("Hut") sites.

For the purpose of applying this Policy, a resident is considered to be either the person responsible for the payment of Council Tax or business rates on a domestic property within the Parish of Walberswick, or a member of that person's immediate family living with them ("Resident"). The Trustees have absolute discretion in determining whether or not a person is a Resident of Walberswick for the purpose of applying this Policy.

Annual licences are granted to Licensees, which allow them to erect or keep a Hut on a designated site on the Charity's land. The Licensee is responsible for erecting and maintaining the Hut, which remains the Licensee's property. Provided that the provisions of the Licence and the associated Regulations have been observed, the Charity will normally offer to renew the licence at the end of the year in accordance with the Policy set out below.

The Policy

1. Allocation of Licences

- 1.1. All applicants for Licences will be divided into Residents and non-Residents. Licences will only be granted to non-Residents when all applications from Residents have been satisfied.
- 1.2. For Beach Huts, a waiting list of Residents will be maintained, and Licences allocated on a first come, first served basis.
- 1.3. For Fishing Huts, a waiting list of Residents will be maintained. Licences will be allocated first to Residents engaged in commercial fishing on a first come, first served basis; and secondly, if there are no such Residents, to any other Residents on a first come, first served basis.
- 1.4. Applications from non-Residents for Beach Huts or Fishing Huts will be maintained on separate waiting lists and Licences granted on a first come, first served basis. However, any applications from Residents must first have been met, regardless of when the application from a Resident was first received.
- 1.5. Except in circumstances where a fair value for a Hut cannot be agreed, a person at the top of a waiting list who declines the opportunity to take the site offered to them, for example because they would prefer another location, will be placed at the bottom of the waiting list.
- 1.6. No Licensee or person at the same address may hold both a Beach Hut and a Fishing Hut Licence, except where Licences had been granted for both types of Hut to the same person prior to 1 January 2018.

2. Licence Fees

- 2.1. Licence fees will be reviewed every fourth year according to the principles set out in clauses 2.2 and 2.3 below. The Licence fee will be adjusted according to the change in the Retail Price Index (RPI) published by the Office for National Statistics. Licence fees can increase or decrease, in line with RPI and market evidence.
- 2.2. Resident Beach Hut Licensees will have their annual licence fee set at the standard rate. In determining the standard rate, Trustees will consider: (i) market evidence; (ii) the amenities available in Walberswick (such as beach access, toilets and water supply) when compared to other locations; and (iii) other factors the Trustees may consider appropriate. Non-resident Beach Hut Licensees will have their annual licence fee set at the premium rate, typically 50% higher than the standard rate.
- 2.4. Fishing Hut Licence fees will be set according to the following policy:
 - 2.4.1. Fishing Hut Licence fees for Residents will be charged at the standard Beach Hut rate for recreational purposes, and 50% of the standard rate when used solely for storage.
 - 2.4.2. Fishing Hut Licence fees for non-Residents will be charged at the premium Beach Hut rate for recreational purposes, and 50% of the premium rate when used solely for storage.
 - 2.4.3. Any Fishing Huts judged by the Trustees to be larger than a standard hut will be charged on a pro-rata basis according to floor area.
 - 2.4.4. The Trustees have absolute discretion in determining whether or not a Fishing Hut is used for recreational or storage purposes.
 - 2.4.5. The Fishing Hut used by the operator of the Ferry is considered by the Trustees to be used for commercial purposes and is therefore charged at the standard Beach Hut rate.

3. Renewal of Licences

- 3.1. Upon expiry of a Licence, normally every 12 months, the Trustees in their absolute discretion will consider whether or not to issue a new Licence for a further period. Under normal circumstances Licensees can expect their Licence to be renewed, provided that they have sufficiently used their Hut and have not breached the Licence or any Regulations.
- 3.2. If a Licensee fails to pay the Licence fee and return the signed Licence within 30 days and without good reason, the Trustees may in their absolute discretion terminate the Licence.
- 3.3. In circumstances where there is a waiting list of Residents, the Trustees in their absolute discretion may decide not to renew the Licence of a non-Resident.

4. No Right to Transfer, Assign or Sub-let; and Termination of Licences

- 4.1. The Charity will allocate Licences according to the policy in section 1 above, namely that preference should be given to Residents of Walberswick. Accordingly, the Trustees will not permit a Licensee to transfer their Licence to a person of the Licensee's own choosing, including members of their family. The Trustees wish to avoid Hut sites being allocated to the highest bidder, rather than a person meeting the Charity's allocation policy.

The implication of this policy on the transfer of Licences is as follows:

- 4.1.1. A Licence is personal to the Licensee and thus may not be transferred or assigned, nor does a Licensee have any right to sub-let their Hut.
- 4.1.2. The Trustees may elect decide not to renew a Licence if in their absolute discretion they believe that the Hut is no longer being used primarily by the original Licensee.
- 4.1.3. If a Resident Licensee ceases to be eligible for Resident status, for example upon no longer being a Council tax-payer in Walberswick, their Licence will be terminated.
- 4.1.4. If a Licensee wishes to terminate their Licence, the Trustees will allocate a new Licence in accordance with the allocation policy in force at that time.

- 4.1.5. If a Licence is terminated or is not renewed, the outgoing Licensee may elect to:
- (a) remove their Hut in accordance with the terms of their Licence, or
 - (b) sell their Hut to the incoming Licensee. If the outgoing Licensee cannot agree terms with the incoming Licensee, the outgoing Licensee must remove their Hut within 14 days, if so requested by the Trustees.
- 4.1.6. In the event of the death of a Resident Licensee, the Trustees may in their absolute discretion grant a new Licence to the spouse or child of the deceased Licensee, provided that the spouse or child meets the test of being a Walberswick Resident. In exercising their discretion here, the Trustees may take into account factors such as the historic use of the Hut, the likely frequency of future use and the length of any waiting list at that time. For the avoidance of doubt, this clause does not apply to non-Resident Licensees.