

## **WALBERSWICK COMMON LANDS CHARITY**

### **Policy on Licences for Beach Huts and Fishing Huts**

#### **Background**

The following policy was first adopted in March 2008 and thereafter communicated to all licensees at that time. It was revised in May 2015 and formally adopted by Trustees on 2 July 2015. For ease of reference amendments to the original policy are highlighted in yellow.

The Charity was established to protect the land in its ownership and to provide benefit to the inhabitants 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 Trustees have resolved to give preference to inhabitants of Walberswick in regard to Licences for Beach Hut and Fishing Hut sites.

For the purpose of applying this policy an inhabitant ('Resident') is judged to be either the person responsible for the payment of Council Tax for a property within the Parish of Walberswick or a member of that person's immediate household. The Trustees have absolute discretion in determining whether or not a person is a Resident of Walberswick for the purpose of applying this policy.

Licences are granted to Licensees, typically for 12 months, which allow them to erect a Beach or Fishing Hut on land owned by the Trust. The Licensee is responsible for erecting the Beach or Fishing Hut, which remains the Licensee's property provided that the provisions of the Licence have been met.

The policy of the Trustees with regard to the allocation and transfer of Licences is as follows:

#### **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 met.
- 1.2. For the Beach Huts a waiting list of Residents will be maintained and Licences will be allocated on a first come, first served basis.
- 1.3. For the Fishing Huts a waiting list of Residents will be maintained and Licences will be allocated firstly 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 and Fishing Huts will be maintained on separate waiting lists and Licences granted on a first come, first served basis. However any application from Residents must first have been met, regardless of whether the application from a Resident was received before or after that of the non-Resident.
- 1.5. If a person at the top of a waiting list declines the opportunity to take the site offered to them, for example because they would prefer another location, then they will be placed at the bottom of the waiting list.

## **2. Licence Fees**

- 2.1. From 2009 onwards Licence fees will be set in January each year with reference to market rate for equivalent premises.
- 2.2. Non-Residents will pay the rate determined by Trustees (at their absolute discretion) to be the market rate.
- 2.3. Residents will receive a one-third discount on the non-Residents rate.

## **3. Renewal of Licences**

- 3.1. Upon expiry of a Licence, normally every 12 months, the Trustees at 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 are not in breach of any Regulations. However in exercising their discretion Trustees may take into account such factors as the amount of use the Licensee has made of their Hut or whether the Licensee has properly maintained their Hut.
- 3.2. If the Licensee fails to pay the licence fee and return the signed licence within 60 days and without good reason the Trustees may at their absolute discretion terminate the licence.
- 3.3. In circumstances where there is a waiting list of Residents, the Trustees at their absolute discretion may elect not to renew the Licence of a non-Resident.

## **4. Transfer of Licences**

- 4.1. The Trustees have resolved to 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. Licensees do not have the right to transfer, assign or sub-let their Beach Hut or Fishing Hut.
- 4.1.2. The Trustees may elect not to re-issue a Licence to a Licensee if at their absolute discretion they believe that the Beach Hut or Fishing Hut is no longer being used primarily by the original Licensee.
- 4.1.3. If a Licensee wishes to terminate their Licence then the Trustees will allocate a new Licence in accordance with the allocation policy.
- 4.1.4. If a Licence is terminated or is not renewed then the outgoing Licensee may elect to either:
  - a Remove their Beach Hut or Fishing Hut in accordance with the terms of their Licence, or
  - b Sell their Beach Hut or Fishing Hut to the incoming Licensee. If the outgoing Licensee cannot agree terms with the incoming Licensee then the outgoing Licensee must remove their Beach or Fishing Hut within 10 days of such request from the Trustees.
- 4.1.5. In the event of the death of a Resident Licensee the Trustees may at their absolute discretion issue a new Licence to the spouse or child of a Licensee provided that the spouse or child meets the test of being a Walberswick Resident. In exercising their discretion the Trustees may take into account factors such as the historic use of the Hut, the likely frequency of future use and the size of any waiting list at that time. For the avoidance of doubt this clause shall not apply to non-Resident licensees.