

Examples of comments received in response to the proposed new licence and transfer fee

Some information has been removed where it revealed personal data about an individual.

<u>Themes</u>	<u>Comments</u>
Objections & Support	Our response reflects views of the Committee and Beach Hut Association members. As far as we are aware 100% of the Beach Hut owners are against the proposed new licence as it stands.
	I have no problem with the current proposals.
	I am not unhappy about the 10% transfer fee as I accept that most people will be making a profit when our huts are sold. I know the Council is cash strapped. But I would really struggle to pay £500+ licence fee, and already struggle with the current costs I am living on a pension.
	this is an unacceptable change, which smacks of desperation and greed, and one which is legally questionable.
	I am disappointed to have to be writing to you again regarding your latest attempt to raise money from the beach hut community.
	We object strongly to the enforced changes to the beach hut license due to its unfair nature, lack of transparency over its legality and lack of consideration of better options, informed by effective engagement with the community most affected.
Legal Challenge	1. The Council potentially opens itself up to costly and lengthy legal challenge:
	a) Whether the licence is actually a lease and the Council subject to Landlord and Tenant law.
	b) The transfer fee is considered a sales tax (as previously described by the Council) or capital gains tax and as such unlawful means of raising revenue.
	c) The Consultation is deemed to have been unreasonable and unfair. Very little time has been given to consider the new licence. Many people still have not received the new licence or have only just received it. No prior discussion took place before the new licence was sent out. If the views of the hut owners are ignored by this consultation it would amount to a sham.
	e) The Council is acting unlawfully by unjustly enriching itself through a sales tax or the repossession of beach huts.
	f) The Council is acting unlawfully by overcharging for providing a discretionary service.
	On what basis do you claim to be able to require the beach hut owners to enter into a new licence?
	On what legal basis does the Council claim to be able to impose the suggested transfer fee?
Provisions in the licence	The ability of the Council to remove huts for redevelopment without compensation or other solution offered e.g. alternative siting is unreasonable and unfair.
	The licence contract terms are deemed unfair and one sided.

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	With the unanimous opposition from beach hut owners the threat to take away their beach huts for refusing to sign the new licence is the bullying behaviour of the worst landlord. Will the Council seriously take away beach huts from beach hut owners to force this through?
	7. With regard to this section, it is unclear to beach hut owners whether the Council will bear any responsibility for loss of property if the Council agrees redevelopment of an area of beach huts where beach huts will be destroyed. Will some form of compensation be offered to beach hut owners in this instance?
	12. In the past, beach hut owners had the responsibility to maintain insurance on their beach huts. Does this clause seek a similar relationship with the Council, or are owners now being required to access some new form of insurance?
	The comment 'or such other sum as the Council may in its' absolute discretion determine'. This is very worrying and means that you can increase the fee drastically on an annual basis.
	Redecorating the exterior of the beach hut every year is unreasonable and unnecessary. Will there be annual inspections and notice given to those that do not comply? A clause to keep the beach hut in a reasonable condition should be sufficient.
	Three months is not a reasonable time to replace a beach hut if it is damaged. There is often a waiting list for most of the beach hut decorators and it can be very delayed by weather conditions.
	We find it extremely worrying that you can terminate our licence at your discretion. Could there not be an assurance that you would relocate the beach hut to one of the many gaps?
	It is very unclear on the revised licence if we get a rebate of the licence fee if it is terminated by the council.
	If you terminate our licence we should not be expected to remove the beach hut at our expense. This is bullying behaviour and not conducive to good relations between yourselves and beach hut owners.
	The proposals are grossly unfair with essentially a one-sided contract in the Council's favour. Perhaps the Council is seeking to outdo the city's most infamous landlord, in its bullying and coercive behaviour i.e., sign the new licence or you'll lose your hut, and even have to pay for its removal.
	The licence itself is unfair. It imposes 24 obligations on the licensee, but no obligations whatsoever on the council.
	Clause 7 of the licence is clearly an unfair contract term and can be declared void because of that. It is entirely improper for the council to be able to terminate a licence because of a redevelopment plan without any form of compensation. This is theft. There needs to be some form of compulsory purchase scheme.
	3(d) The requirement to repaint the exterior at least every year is not new, but is onerous. Please consider making this a requirement every two years.
	3(f) Sometimes there are events, such as the beach hut advent calendar or winter celebration, which result in notifications being placed on the doors of the huts involved by the organiser, not the hut-owner.
	These free community events contribute to the general positive feel of the seafront, publicity such as this should not be deducted from the 2 permits allowed.
	3(i) Not a new clause, but it is not always possible to find a contractor who can construct a new hut within 3 months. 6 months would be more reasonable
	7. It is not reasonable for the Council to reclaim a beach hut site with 2 months notice without paying the owner some form of compensation

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	c) It is unconscionable that the Council, having reclaimed a beach hut site through no default on the part of the license-holder, should then be entitled to demand that the former license-holder be required to clear the site at their own expense
	Clause 9 is completely unacceptable without adequate compensation for the current value the hut. For this to happen there needs to be some form of compulsory purchase scheme. If any re development scheme fails to go ahead the hut should be returned in good condition to the licence holder without any charge.
Transfer fee is unfair and too high	The 4x licence fee clause is unfair and punitive. This could easily amount to a figure far greater than 10% of the value of the beach hut in future years.
	A 3000% increase in the transfer fee in itself is unfair and punitive. It is a tax on savings that will affect all beach hut owners
	Using the hut owners to finance Council services is unfair and unreasonable. In any event the amount raised by the Council compared to its total budget will be de minimis. Why lose the goodwill of a community beach hut owners for so little return. It is completely disproportionate.
	The transfer fee is considered a sales tax (as previously described by the Council) or capital gains tax and as such unlawful means of raising revenue.
	I feel it is unfair to fleece people selling their huts.
	It imposes a minimum transfer fee of over £2,000 whatever the value of the hut itself. Hut values have fallen substantially and if this licence is imposed are likely to fall further. There is no fair and reasonable basis for a transfer fee of £2,000 to be charged if, for example a hut which is sold for £10,000.
	The changes would unfairly penalise existing leaseholders and significantly devalue the assets we have purchased in good faith. Someone who has purchased their hut in recent years will not benefit from historic price rises - in fact the value of their assets will now be reduced, both due to the proposed fees and the reduction in demand for huts as a result of this change
	Also when I bought the beach hut, which I massively regret because of the costs I am incurring it this was not the case and it's not fair to change the conditions once already in an agreement with someone. Had I known I would lose money on sale I definitely wouldn't have bought it.
	Your proposals would rule many ordinary families out from enjoying their seafront and leave the huts purely the domain of the rich.
	Our hut is viewed as a family asset and our hope has always been that it would be passed through the family via those living in the city. To expect a payment of a minimum of £2,000.00 in order to do so is completely outrageous and may indeed be totally unaffordable for many families meaning that that amenity is lost to them.
	Personally we would happily pay another £100 per year in Rent for the site and another £100 in transfer fee
	We use the hut a lot and love time spent there. Whilst I appreciate central government cutbacks have had a devastating affect on local council offices, the rise from the current £82 to what is proposed is nothing short of extortion.
	The manner of attempting to impose a Transfer tax is unfair as set out below, and is likely to lead to (together with the increasing fees) to Licence holders being unable to afford the upkeep of the huts so that what has been an attraction to tourists becomes a run down eyesore.

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	There is also capital gains tax on beach huts on any profit you sell for. After years of maintenance and license fees, by the time most people sell, they will have made NO PROFIT from owning a beach hut!
	We have owned our flat for several years and have spent significant sums of money in essential maintenance, new roof, repainting each year, together this insurance and the current beach hut licence fees. The assertion by Council Officers that the Council “has not benefited in anyway from the profit made on the sale of a beach huts ” is a joke.
	Surely you do not mean to make beach hut owners actually lose money by imposing this tax. As your Officer stated the Council wishes to share the profit made by beach hut owners – where there is no financial profit, there is nothing to share.
	This is a Sales Tax. But this Sales Tax is not fair. Sellers don't necessarily make any profit and may even make a loss on their hut - and it looks like many will make a loss if they sell now, as prices have fallen significantly.
	As the licence fee governs the use of the land I feel the proposed increase in fee paid to B&HCC is disproportionate to the actual role the council plays in the upkeep and services offered to Beach Hut users. Surely the fee should reflect the role they take in selling the Hut for the licence holder, and that alone.
Beach huts are becoming unaffordable	We are by no means rich and both of us live on our pensions. Our beach hut could soon become unaffordable. Together with insurance, licence fee and annual repairs we are talking about considerable amounts of money.
	Please keep hut ownership accessible to a diverse range of people in diverse circumstances. Not just for the rich and generally privileged. Take the money when we sell, and have the money available not at this, already difficult, time.
	When I sell the beach hut it will no doubt be because I can't afford to run it with the £1000 worth of repairs we ve done this year, £300 insure and £550 fee we have paid to you for doing nothing at all
	I am really upset by the massive increases in fees over the last 3 years. It's becoming unsustainable for us to keep the beach hut.
The transfer fee will not raise enough funds for the council	With falling hut prices and lack of buyers the transfer tax will hardly cover the cost of administering the scheme. Eg 10 huts sold at £25,000 each would raise only £25,000pa. Replies to questions and Councillor Robins suggestion that there will be no extra administration costs for the new sales tax are disingenuous.
	Fleecing people selling and buying beach hut licenses will not yield much. The post COVID blip in prices has regressed and now sales are back to the £20ks (NOT £30K). About 20/year change hands. If they sell at £25K then that would yield £50K, which would not make much difference if invested in the seafront.
	Taxing beach hut owners 10% when we sell our huts seems unfair and excessive. Due to the low number of huts sold each year we suspect the cost of administering this scheme will cost more money than it raises.

<p>Why should the council use what other local authorities charge as a comparison?</p>	<p>Comparisons and cherry picking other Councils is misleading. Many have quite different licences/ leases, different hut sizes and other huts have utilities such as water and / or electricity</p>
	<p>How you can compare our huts to others in different parts of the country makes no sense. We aren't allowed to decorate our hut how we choose, like in other part of the country and we aren't allowed to rent them out, like in other parts of the country therefore we should not be expected to pay fees like other parts of the country.</p>
	<p>It was pointed out that other Councils charge 3x the licence fee when selling, why does Brighton and Hove Council want to charge 4x the licence fee as this is not in line with other Councils?</p>
<p>Insufficient time for the consultation</p>	<p>Insufficient time has been given for the consultation. The letter and email were sent on the 29th September. The response required is by the 19th October, less than three weeks. There has been no prior consultation with the Hove Beach Hut Association as to the possible terms of the proposed new licence. A consultation period has to be reasonable. Requiring a response in under three weeks giving insufficient time, for example, to take a proper legal opinion on the validity of the tax that is proposed, is unreasonable. The unreasonableness of this procedure throws the whole proposal into doubt and open to legal challenge.</p>
	<p>We would like a proper and meaningful dialogue with the Council regarding these proposals to take place and for some common sense to be shown.</p>
	<p>Ten working days for owners to submit their feedback is preposterous. Although the consultation period has been extended to the 23rd of October, many beach owners had not received the communication at the time of the Beach Hut Assoc AGM.</p>
	<p>1. The consultation period provided (3 weeks) is unreasonably short and in my opinion deliberate, making it incredibly challenging for beach hut owners to provide meaningful feedback or fully comprehend the implications of the proposed changes.</p>
	<p>No prior notice or opportunity for two-way discussion about imposed changes to the beach hut license had been apparent before the letters were sent.</p>
<p>The beach huts contribute to the seafront at the owners expense</p>	<p>Hut owners provide significant value as 'guardians' of the beach - reducing and monitoring crime, litter, seafront health and safety etc.</p>
	<p>The beach hut community maintain an iconic part of the seafront at their own considerable expense, which is certainly an aspect of pride in the city as their use in much tourism publicity exemplifies.</p>
	<p>The HBHA represents the diverse community of the hundreds of beach hut owners. This community, along with their families and friends contribute to the vibrancy of the seafront with their inclusive community events, and to the attraction of Brighton and Hove, where the welcoming, cheerful and colourful huts have become an icon for the city. Together these give our city publicity that one cannot buy, promote tourism (and thus income), and more importantly perhaps, also offer a unique environment for all our citizens to enjoy the pleasures of the seafront.</p>

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	a small and valuable community of people who do a tremendous amount to enhance and maintain the seafront, making it a much visited location that brings a great deal of tourism to the city.
	The beach huts of Hove are a symbol of our city and are seen as such being constantly used on advertising and promotional material
	I feel it is unrealistic to disregard the fact that beach huts change hands for significant amounts of money, and would add that the preparedness of owners to invest significant sums in their beach huts is a major contributing factor to the generally excellent standard of upkeep and high levels of usage that characterise Hove beach huts, and add so much value to the Hove beach front experience for visitors to our city.
	Along with the License fee, the beach huts also bring in tourist revenue. Without the beach huts, Hove promenade would not be the same.
	The Council does in fact profit from the beach huts as part of the iconic seafront view. This is extensively used in Brighton and Hove City Council publicity materials and regularly used by other organisations as a symbol of Brighton and Hove’s amazing vibrancy.
	Why are you penalising the very people that take care of the seafront for the Council ? We maintain the Huts. We pick up broken bottles and litter and even human waste. We fix the leaking taps and blocked drains. Report anti social behaviour. The list goes on...
Termination of licence	In particular, I regard the absence of any provision for compensation to owners in the event of the council terminating or failing to renew a licence as particularly unfair
	surely the clause that permits the Council to remove beach huts for redevelopment without compensation or any alternative siting is unacceptable to anyone reasonable?
	I wish to register that I regard it utterly unfair that under sections 7, 10c and 11c, after giving notice, the council can require a Beach Hut owner to remove their beach hut at their own expense without compensation for the loss of enjoyment of their property or compensation in respect of their initial capital outlay and (not inconsiderable) ongoing maintenance and repair costs.
Beach Hut specification	The beach hut specification remains unchanged, but is not enforced. We are aware of huts that are not compliant, ie with outward opening doors, yet there appears to be no action taken.
	Finally, I would remind you that Hut owners follow incredibly restrictive guidance with regards to hut maintenance and operation. The guidance is costly to follow (eg wood only) and they require a higher level of maintenance because of this. If you are seeking to impose additional charges it is logical to allow hut owners access to modern materials (eg high performance wood-plastic composites etc) allowing better durability so costs can be better managed and the aesthetics retained.