

Update 27/11/2022

Dear Residents,

After intervention from our Committee Chairman with the new Sandy Bay Management, the proposed 2022 - 2023 12.3% pitch fee increase was reviewed by Sandy Bay Management and reduced to 6.0%.

An estimated breakdown of the current Sandy Bay running costs was given to the members of the SBPRA who attended the recent 2022 Annual General Meeting. Considering the economic conditions and high inflation impacting on the running costs of Sandy Bay, the revised proposed pitch fee of 6.0% was deemed to be reasonable by committee members.

With regard to those residents who received an inaccurate increase notification, this was caused by the new Sandy Bay Management not being aware of the situation with those residents who had not agreed to the 2021 to 2022 proposed increase. This error has been resolved, the 6.0% increase was based on what residents were paying.

The committee will continue to meet with the new Sandy Bay Management in order to ensure that promises made by them on future changes and developments on Sandy Bay Residential Park satisfy residents expectations.

The first payment date for the 2022 - 2023 pitch fee has now passed, whatever decision you made regarding accepting the increase, please see the information below, highlighted in blue and red. **NOTE: The information highlighted below in red is very important.**

Regards,

SBPRA Committee

Dear Residents,

The Sandy Bay Park Residents Association (SBPRA) Committee, has received contact from many residents:-

1. **Who have not agreed to pay the 2021 - 2022 pitch fee increase and are querying their situation now that Sandy Bay Residential Park has been sold to new owners,**
2. **Who are concerned with the size of the proposed 2022 - 2023 pitch fee increase and/or have discovered errors in their proposed increase.**

Rather than reply to each resident, this communication will try and explain the situation to all residents who are affected.

Pitch Fee Increase 2021 - 2022

A number of residents did **NOT** agree to pay the increase in the Pitch Fee proposed by the former owners of Sandy Bay Residential Park, the decision of some residents not to pay the increase was due to a number of reasons, including the following:

1. **The lack of progress on the new facilities,**
2. **The general decline in the services supplied and outstanding issues with decking,**

3. **A refusal to break down the pitch fee meant that residents believed an increase could not be justified.**

Under the Mobile Homes Act 1983, if the former owners wanted to have implemented the 2021 - 2022 increase, they would have to have taken **each** resident who had refused to pay the increase to the First Tier Tribunal (Property Chamber) for the tribunal to decide what their new pitch fee should be.

The former owners **should** have applied for a case to be raised against residents within 28 days after the review date (01/11/2021), this was obviously never done.

If no agreement to the pitch fee is reached, and the tribunal does not decide (i.e., because the site owner has **not** made an application or because an application is refused or withdrawn) the resident **must** continue to pay the **existing pitch fee**.

The proposed increased pitch fee cannot be implemented, there are no arrears, and the review process has ended for the year to which the notice refers.

Pitch Fee Increase 2022 - 2023

As all residents are aware, Sandy Bay Management, and as allowed under the Mobile Homes Act 1983, have increased the pitch fee which will be limited to the Retail Price Index (RPI) over the 12 months since the last review date. This has resulted in a proposed 12.3% increase.

The SBPRA Committee have received a number of emails from residents questioning the size of the proposed rise. It also is becoming apparent that where some residents who had not agreed to the 2021 - 2022 increase, the percentage increase has been applied, as if they had in fact agreed to the 2021 - 2022 increase.

The Committee is also aware of similar concerns from residents that have in their opinion caused an error in the calculation of their proposed rise.

As the above issue are of a personal financial nature and causes are varied, the SBPRA Committee are unable to provide advice to individual residents.

Affected residents will need to resolve their particular issue with SBM by notifying them on customercare@sandybay.co.uk or alternatively calling the Park Office on 01268 510011 and select option 4.

The SBPRA Committee will list the errors reported by residents in any relevant communications on the proposed pitch fee increase to SBM.

What Happens Next

It is important to make note of some of the information in the 2022 - 2023 Notice of Pitch Fee Review and its accompanying letter:-

1. **If any residents agree to their new proposed pitch fee, they must sign and return the form to the Sandy Bay Park Office,**
2. **The proposed increase can not be implemented if residents do not agree and sign and return the form, however residents must continue to pay their current pitch fee,**
3. **If residents do not accept the proposed pitch fee they can let SBM know, but residents do not have to do so. Provided that their current pitch fee continues to be paid, that is the maximum amount payable unless a tribunal decides a different amount,**

4. **If there is no agreement as to the new pitch fee, SBM or the residents may make an application to a tribunal for it to decide the pitch fee,**
5. **If the tribunal agrees with SBM, then its decision will apply from the review date, this means any proposed increase could be backdated several months,**
6. **Residents shall not be treated as being in arrears until 28 days after the date of the order made by the tribunal determining the proposed increase.**
7. **The SBM are obliged to provide residents, free of charge, on request, documentary evidence in support and explanation of any new pitch fee.**

It is very important that you read and understand the information contained in Notice of Pitch Review, the supporting documents and accompanying letter from SBM.

The SBPRA will be discussing the implications of the proposed pitch review and will provide feedback to residents at the SBPRA Annual General Meeting, scheduled to be held on 10th October 2022 at the Runnymede Hall, Benfleet.

Service Charge versus Pitch Fee

Service Charge

The above definitions of the payment residents make to SBM every month has proved to be very emotive. All residents who purchased their home from the previous owners understand the term Service Charge, and how that term was used by the previous management and sales team to describe what the monthly payment comprised off, e.g., ground rent, facilities, security, etc. This term was widely used and described in sales material, website and brochures produced by the previous SBM and Sales Team.

Pitch Fee

The new SBM do not recognise the term Service Charge, the fee only applies to the concrete pad on which a bungalow is located. The term Pitch Fee is used in the Mobile Homes Act 1983 and in the contract signed by residents and documents sent to residents by the new SBM.

To bring this document in line with the 1983 Act the term Pitch Fee is used instead of Service Charge.

Implication

The residents of Sandy Bay Residential Park, who are members of the Sandy Bay Residential Park Residents Association and the SBPRA Committee, will continue to hold the new Sandy Bay Management liable to deliver on the new facilities, site developments and day to day services that residents were sold (and consequently made their purchase decision on), by the previous Sandy Bay Management and Sales Team.

This is irrespective off the term Service Charge or Pitch Fee being used by any party.

Regards,

SBPRA Committee

[VERY IMPORTANT: Please Read](#)

The SBPRA Committee are not experts in the application of the Mobile Homes Act 1983 and cannot give any guidance or recommendations with respect to regulations contained within the Act.

This document is our understanding of the current position with regard to pitch fees and has been produced as an aid.

The SBPRA Committee strongly recommend that any residents that have not paid the 2021 – 2022 increase, carefully read the backup documents that were attached to the 2021 - 2022 increase notification sent to you by the previous owner.

The same recommendation also applies to all residents who should carefully read the similar documents supplied with the 2022 – 2023 notification by the new SBM, so that you can reach a conclusion for yourselves.

If you believe there are any errors in the content of this document, please advise the Committee on sandybayparkra@gmail.com