



Boatfolk Marinas Ltd
Deacons House, Bridge Road, Bursledon,
Southampton, Hampshire SO31 8AZ

Conwy Marina Berth Holders Association
c/o Roger Milward
Conwy Marina
Ellis Way
Conwy
Gwynedd
LL32 8GUA

26th June 2020

Dear Roger,

I am writing to you formally to express my disappointment at the approach that the Conwy Marina Berth Holders Association has chosen to take in threatening legal action against us.

We have long been supporters of the CMBA, believing that we shared a desire to make Conwy Marina the best place in Wales to go boating, with a community of likeminded boaters with the best interests of the marina at heart.

Over the last six months, since the change in ownership of Quay Marinas to boatfolk, the new business has made a clear commitment to Conwy Marina, with over £500,000 invested in the marina, including replacing the tired back walkway pontoons which were letting the marina down. Further investment is planned over the next few years, and we hope that it is an exciting time to be a berth holder at Conwy Marina.

The focus of our marina and our management teams is now firmly on the next two months, hoping to deliver an excellent customer experience in this shortened summer season, and we are well prepared for the full re-opening of the marina over the next few weeks.

Your threatened legal action is an unwelcome distraction, when we believe our focus should be firmly on our customers and the summer season. The challenges of Covid-19 have been immense, for the country and for our company. As a management team, we have had to cope with the enforced closure of the marina to customers, in the middle a major redevelopment of the marina, and the challenge of ensuring that all necessary practices are in place, to allow customers to return safely.

We understand the frustration that all of our customers have had, in that travel restrictions put in place by the Welsh and the English Governments have reduced access to boats in the early part of this season. That situation is clearly not of our making. As managers, we believe we have behaved calmly and responsibly throughout the last few months, supporting the government strategy, and focusing clearly on keeping our people safe (both staff and customers).

In April, we made an offer to reduce the berthing fees for the month of April, which we felt was an honest and timely response to the situation. As far as we are aware, we are the only national marina group who

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offered any recognition of the Covid-19 restrictions to its customers with our April offer, and since that time we have been concentrating our efforts to continue to look after all our customers boats, maintain the marina and continue the significant investment which we are and will continue to push in order to make Conwy an even better boating location for all of our customers. It has been a busy time for our teams, despite the lockdown.

We really do value the loyalty and support of our customers, this is not just lip service. We want our berth holders at Conwy Marina (and all of our marinas) to have a really good experience and see our offer as good value. The “summer sling wash” offer was a part of that, and we are exploring a number of other “loyalty” offers, to be launched in the autumn, to support our customers further. We are listening to our customers, and we do not believe that we are ignoring the reality of the situation or putting our heads in the sand.

But we simply have no desire to engage with the Conwy Marina Berth Holders Association in a protracted spat over our prices and offer. We believe this would be a divisive conversation, and we would not want to engage with one group of berth holders, such conversations should be had with all berth holders, whether or not they are members of CMBHA. It is quite clear from our conversations with berth holders, and from your letters, that there is a mix of opinion out there, both within CMBHA and the wider berth holder community. You should be aware that we have been approached by a number of customers who are specifically distancing themselves from your committee’s actions here, and of course we are concerned that your committee’s views are not necessarily representative of our broad customer base.

As berth holders, individually or collectively, should you wish to instruct lawyers to take us to court you are of course welcome to do so. You should be aware that, following your threat of legal action, we have taken our own legal advice. Without wishing to get into too much detail, and having discussed the position with our solicitors, I would make the following points:

- The berthing agreement is a licence for the provision of the berth to moor the vessel and for the maintenance of the marina and its utilities infrastructure to supply the vessel during the term of the agreement. As you rightly acknowledge, this was unaffected by Covid-19 as berth holders have continued to keep their vessels safely moored throughout the lockdown period;
- The berthing fees do not include the right to use any specific facilities or services at the marina; and
- The closure of our marinas was of course imposed by the Government, and so we do not agree that we have breached the terms of the licence agreement.”

We hope that you will not want to take the legal approach but will instead allow us to focus on our customers this summer, without the rancour and expense that an extended legal process will certainly bring.



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We do genuinely recognise the frustrations of your members who were not lawfully in any position to travel to their boats or access and use them, nor any marina facilities during the Covid-19 lockdown period. But we are not going to get into an extended negotiation or dispute over "compensation", when we are confident that our prices are fair and our offer a good one.

We have continued to look after our customers boats throughout the period concerned and to invest in further improving the marina. We have provided our customers with a half price offer during the month of April and we will continue to provide attractive offers going forward, this is illustrated by our summer sling wash offer, and looking forward we will be putting forward an attractive early bird renewal (September) and additional yard and service offers in due course.

We are absolutely committed to further improving the quality of our services and facilities at Conwy and to making the marina a really enjoyable and inclusive place for our valued boating community. Our team at Conwy will be working hard to deliver this and to look after all of our customers as well as they and we as a company possibly can.

For the remainder of the summer we will be concentrating on making the marina a great place to be for all our customers, and we really hope that your committee and members will support us in this and accept our genuine efforts during the difficult Covid-19 lockdown period.

On behalf of boatfolk I would like to wish you, the CMBHA committee and its members safe and enjoyable boating for the rest of the season and for many years to come.

Best wishes

Simon

Simon Haigh
Director

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