

Simon Haigh
Operations Director
Boatfolk

Dear Simon,

Thank you for your email received Friday 19th June 2020.

Having had the opportunity to discuss your proposal with berth holders, the CMBHA committee thinks it is important to set out our position clearly:

- We acknowledge that the provision of secure berthing and hard storage has continued throughout April and May, and therefore the percentage of berthing fees which relate to these services are rightly due and payable during this period;
- The closure of the site to berth holders, and suspension of common services such as washrooms, laundry and drying facilities in April and May means there has been a breach of berth holder license conditions;
- In offering a discount on April's berthing fees, your company has already acknowledged this, and you have determined the value of withheld access and services to be worth 50% of the monthly fee;
- As such, the committee expects a similar reduction/compensation should be made to all Conwy berth holders for the month of May, but having regard for the current challenging business climate, we reasonably accept this can be achieved by applying a credit to all Conwy berth holder accounts, to be used against other marina services.

We feel this is a reasonable compromise, and make the following additional points:

1. Unlike English marinas in your group which opened much earlier in May due to easing of lockdown regulations in England, Conwy was closed to all berth holders for the entire month, only opening on 1st June.

And further:

2. During recent weeks, access to marina services at Conwy have been hampered due to the ongoing building works and loss of water supply which are only now coming to an end.

3. The vast majority of Conwy berth holders have been unable to access marina services during June (through no fault of the marina) due to the ongoing Welsh Government regulations and which will now remain in place into early July.

4. The offer of a discounted sling wash was welcomed and its value was deemed appropriate if calculated using last year's prices - we are not aware of prices for this year being published. However, the offer holds only limited appeal as not all berth holders will wish to take advantage of it. We would propose that all berth holders receive a partial discount/credit for the month of May, based on a value which is proportionate to the monthly berthing fees each pays, and that can be fairly and equitably applied. We are happy for this to be labelled a crane credit or other, to be used perhaps at any time during the current contract/license year. This could be combined with a promoted sling wash and brief anode check limited to specific months, or winter lift that might help your company with work-flow in the marina.

5. We are aware of several berth holders that have expressed their intent to take individual legal action. We would wish to avoid this

In setting out our position, the committee and our members would emphasise the following.

We welcome Boatfolk's patronage, and are looking forward to the positive changes and improvements being made at Conwy Marina. We are all keen to get back out on the water and see marina staff again, many whom we count as personal friends. At the same time, we are also keen to ensure that the relationship between your new company and ourselves, your customers, gets off to a positive start.

We are a democratic organisation, and while our committee decisions on this matter outlined above have been unanimous, we also think it is fair to present to you the views of other berth holders, who are equally keen to make clear that they are not pursuing any refunds or compensation, because they have welcomed (as have we all) the recent upgrades we have seen.

However, substantively, you will be aware that government agency The Competition and Markets Authority has recently made its position clear on the obligation to offer refunds during Coronavirus, affecting site fees for those who have licenses to site lodges and caravans. This, with its new reporting facility effectively puts any party to a similar license or contractual arrangement where Coronavirus has led to a breach, on notice in respect of how the courts will deal with actions to secure refunds and compensation in these unprecedented circumstances.

Our members have enjoyed a good rapport with Quay Marinas, and as a result, have been active supporters and advocates for Conwy Marina and all it has to offer. We would like to think it is possible for us to maintain the same mutually supportive and respectful relationship with the new Boatfolk group, working together to establish goodwill and confidence in the new Boatfolk brand, attract new customers and underpin your investment in Conwy, which is in all our interests. As such, we remain disappointed that we have had to write to you in such strong terms.

We would like to be in a position to write to all members later this week discouraging independent actions in County Courts or negative communication with the boating press, whilst recommending they accept an offer we have described above; at which point we will consider the matter resolved, and we can all get out on the water without any further unwelcome distractions.

Kind regards,

Roger Millward
Chairman, CMBHA
On behalf of the CMBHA Committee

Please reply to info@cmbha.net