

From: Taylor's Boatyard info@taylorsboatyard.co.uk 
Subject: Re: Ombudsman Complaint - Taylor's Boatyard
Date: 14 August 2020 at 14:16
To: enquiries@waterways-ombudsman.org



Dear Ms Daniel,

Thank you for your email.

Please find attached the two documents as requested.

Regards

Peter Askey



Lvl 1 Complaint 30888 Level 2.3
- Chest...nal.pdf Respo...20.pdf

On 14 Aug 2020, at 12:40, enquiries@waterways-ombudsman.org wrote:

Dear Mr Askey

Thank you for your email. This does appear to be something I can investigate and I can see you have been through the Trust's complaints process. Please can you send me copies of the first and second level responses and then I can put together a summary and request the case file from the Trust. In the meantime please find attached some information about the way I work.

Regards

Sarah Daniel
Ombudsman

Tel: 01925 263970
Email: enquiries@waterways-ombudsman.org

Waterways Ombudsman
PO Box 1340
Warrington
WA4 4HS

www.waterways-ombudsman.org

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-----Original Message-----

From: Taylor's Boatyard <info@taylorsboatyard.co.uk>
Sent: 13 August 2020 14:31
To: enquiries@waterways-ombudsman.org
Subject: Ombudsman Complaint - Taylor's Boatyard

Please find attached a letter of complaint.

<Waterways Ombudsman how complaints are handled Jan 2020.pdf><Waterways Ombudsman Service Standards Jan 2020.pdf>

Taylor's Boatyard,
Upper Cambrian Road,
Chester.
CH1 4FB
info@taylorsboatyard.co.uk

Your Ref NW 2020-30888

Our Ref e-mail dated 5th May 2020

1st June 2020

Level 1 Complaint: Taylor's Boatyard impact on business

Dear Mr Askey,

I would like to take this opportunity to respond to your e-mail dated 5th May 2020, letter dated 12th May 2020 and subsequent correspondence with our Richard Spencer on the 27th May 2020. I have conducted a thorough and complete investigation regarding your concerns which are broken down and detailed below. I understand you are in dialogue with our Property team regarding the commercial aspects of your agreement and the Trust's obligations as a landlord and I have not considered these matters.

To ensure clarity, the matters about which I have investigated are:

- In relation to the Trust's management of its assets
- In relation to the Trust's timeliness to implement repairs to the damaged culvert that supplies water to your dry dock.
- The chosen method of repair of the structure
- The advice given to you with regards to the condition of the dock gates
- Bailiffs obtaining unauthorised access to your working site

Management / maintenance of Trust assets

The Trust has a significant portfolio of assets with defined inspection period based on their condition. The historic issues at the site have previously not been of significant concern, with localised repairs considered sufficient.

Unfortunately, with ceiling collapses like that we have experienced at Chester, they tend to be instantaneous and come with little warning. On this occasion, the matter was highlighted as an issue in September by our regional team and was monitored accordingly thereafter. A Project Team was formed in late-October to develop a suitable permanent solution.

North West

Canal & River Trust Navigation Road Northwich CW8 1BH
T 0303 040 4040 E canalrivertrust.org.uk/contact-us

Patron: H.R.H. The Prince of Wales. Canal & River Trust, a charitable company limited by guarantee registered in England and Wales with company number 7807276 and registered charity number 1146792, registered office address First Floor North, Station House, 500 Elder Gate, Milton Keynes MK9 1BB

Repairs to Culvert

As soon as the project was formally initiated, the Project Team worked to develop a plan of repairs, which were due for completion after the Christmas break. The time taken between October and December was required to understand the problem at the site to ensure suitable safety measures were in place before sending our colleagues into a potentially dangerous situation or potentially a catastrophic collapse. Due to the nature of these works, we must operate under the Construction Design & Management (CDM) regulations and suitable planning time is required.

I can confirm that the intention from the team was to be on site in January 2020 to implement the repairs as was communicated to you by David George and that the necessary research and paperwork was in place to expedite the work.

Following the Christmas break, significant flood events impacted on the Trust and its framework partner's resources as safety critical infrastructure was severely damaged by the heavy rainfall. Unfortunately, as a result of these issues we had to prioritise our work on a national basis.

The decision was made at the end of February to classify this site as an emergency as the voided area had deteriorated to an unsafe state. Our framework partners redeployed teams from other sites to ensure resource was on site to make safe the roof structure.

Unfortunately, due to the delays mentioned above, the voiding had deteriorated to a point where the temporary works had to be re-designed and were significantly more complex than originally intended, which did impact on the time and cost to implement the works.

The coronavirus pandemic hit the nation mid-March, at which point the site teams had established access and a safe working area; the business proceeded with the installation of the temporary propping during the initial lockdown as the site was deemed unsafe and there was a risk to public safety. Once the site was made safe the works were suspended in line with the government guidelines.

Works recommenced on site on Monday 18th May following the government guidance to recommence construction. I believe works are on programme and in line with the latest communications from the Project Team.

Repair Detail

I note your concerns in your e-mail dated 27th May 2020 in relation to the proposed culvert repair detail. The repair has been designed in house by one of our most experienced engineers and I am satisfied that the design chosen is appropriate.

Dock Gates

I apologise for the way in which the outcome of the inspection of the dock gates was conveyed to you. This is obviously another matter that impacts your business. Unfortunately, the procurement of replacement gates nationally is currently on hold owing to the coronavirus pandemic. We will keep you informed of progress on this matter and can assure you that your gates are being treated with urgency. I will investigate ways in which with your co-operation we might be able to safely manage the gates and the use of the drydock in the interim.

Unauthorised entry to obtain welfare unit

I apologise sincerely for the unauthorised entry to collect the welfare unit; this should not have happened without prior communication. The men responsible were the hire company's employees who had come to collect the unit as the site had been temporarily closed due to the Covid-19 pandemic. I believe from the site team that no long-term damage has been caused to your property, however, if you have had any losses in relation to this matter then please inform David George.

Summary

I appreciate your frustration and anxiousness during these times but as a Trust we have faced several unfortunate safety critical events over the past 5 months and these have regrettably delayed productivity on your site. My investigation has looked back over the events over the past 9 months and regrettably I have to acknowledge that the Trust have not performed to the standards we aspire to and for this I can only apologise.

I understand the culvert works will be complete in the next week and we will endeavour to work with you to develop a safe system of work to allow your business to restart as soon as possible.

After having received my response to your complaint, I hope that you feel I have understood and addressed all the concerns you have raised. However, if you remain unsatisfied, you can find more information about the Trust's complaints procedure on our website here: <https://canalrivertrust.org.uk/contact-us/making-a-complaint>

Yours sincerely,



John Ward MEng CEng FICE MCIQB
Head of Project Delivery

cc. David George
Alistair Staton
Enquiries North West

Mr Peter Askey
Taylor's Boatyard
Upper Cambrian Road,
Chester
CH1 4FB

Your Ref

Our Ref HQ022 (2020-30888)

By email to: info@taylorsofboatyard.co.uk

26th June 2020

Re: Your Complaint – Chester Dry Docks

Dear Mr Askey,

Thank you for your letters of the 2nd, 5th, 12th and 15th June 2020 which I have read and have now thoroughly investigated the issues raised.

I would like to start by offering my apologies on behalf of the Trust that we have not been able to resolve these issues sooner and that your dry dock has remained non-operational for over eight months whilst we have gone about the culvert repair to make the structure safe and operational. We have failed to meet your expectations and our own and I am sorry for the effect that this has had on you personally and also your business, especially during these unprecedented times.

I am also sorry that you feel that our communication with you during this period has been arrogant and inexcusable. I can assure you, having spoken to several people involved in the project, that this was not the intention of any of the staff you have had contact with and given the numerous e-mails and conversations, I really do believe we were trying our best to engage with you. However, given the involvement of a number of different individuals and teams there have been times when we have failed to communicate as effectively and consistently as we would have liked and for that I apologise. I will recommend that for future projects, where it is appropriate, a single point of contact will be established as soon in the project process as possible with the aim of improving communication.

Canal & River Trust

Canal Lane Hatton Warwick CV35 7JL
T 0303 040 4040 E canalrivertrust.org.uk/contact-us

Patron: H.R.H. The Prince of Wales. Canal & River Trust, a charitable company limited by guarantee registered in England and Wales with company number 7807276 and registered charity number 1146792, registered office address First Floor North, Station House, 500 Elder Gate, Milton Keynes MK9 1BB

I would like to assure you that the Trust takes its responsibilities and obligations as a landlord extremely seriously. To reflect that the property that is leased to you was, in part, not usable, we informed you on the 3rd April 2020 that we would be applying a 50% rent reduction backdated to the 1st September 2019 and to apply until the culvert repair was completed. Appreciating that the dry dock is still not operational due to the gate replacement being delayed, as a result of the Covid-19 workshop closures, I will recommend that this reduction be extended to such time as the replacement dry dock gates have been fitted.

You also submitted an interim compensation claim to the Trust on the 12th February 2020. As I am sure you will appreciate, the Trust can only consider compensation payments which can be fully justified with evidence and, whilst we appreciate that there has been an impact on your business, the Trust needs to ensure that any claim is fair and reasonable. The compensation claim is being managed by Alistair Staton in our Business Boating Team and I understand that you did not wish to discuss the claim in detail with Alistair. In an effort to progress your claim, it was passed to an independent valuation company, Vail Williams, to provide the appropriate assurance to the Trust. I understand from your letters that you do not wish to engage with Mr. Froome of Vail Williams, and you believe that this is just a delaying tactic on behalf of the Trust. I have found no evidence that this is the case and would request that you engage with Mr. Froome so that your claim can be assessed as soon as possible.

In your letters you also raised concern that your private and confidential information was passed on to Vail Williams without your consent. As far as I know this information included your contact details and e-mail exchanges which were relevant as background to the compensation claim. Whilst I accept that it would have been good practice to obtain your consent to pass on this information our action did not breach any obligation we have in respect of managing this information.

The temporary culvert repair has now been completed and the culvert is fully operational, this was communicated to you in an e-mail from Richard Spencer on the 12th June 2020 as well as via our website notifications. I have spoken to several colleagues involved in the management of the project and they collectively share your frustration regarding the length of time the repair has taken to complete and that there are lessons to be learnt in that regard. I will therefore recommend that at the appropriate time we properly review the project so that we understand where we can learn and improve our performance.

In your letters you go on to describe the design for the repair as a “dangerous bodge”. Having spoken to the engineering team including the design engineer and principal hydraulic engineer I have not found any evidence to support this. The engineering team are very experienced and well qualified to undertake this design and the design met the primary requirements to make the structure safe and operational. The solution was designed to be reversible should further changes be required. I am aware that we have now commenced the next phase of the project which is to consider the options for a permanent solution including consultation with heritage colleagues and conservation officers.

In your letters you suggest that the Trust has deliberately ignored the cause of the culvert failure. I have not found any evidence to support this only that it was not necessary for the immediate design brief which was to make the structure safe and operational as quickly as possible.

In your letters you allege that the Trust is deliberately trying to destroy your business in order to redevelop the site. I have not found any evidence throughout my investigation which suggests that the delays to the repair were either in any way deliberate or with this motivation in mind. I can confirm that the Trust has absolutely no plans to redevelop your site.

I hope that you feel that this has been a thorough investigation of the issues raised in your letters and I will ensure that the recommendations made are followed up. These are:

- To extend the 50% rent reduction up to the date when the dry dock gate replacement has been completed
- To establish, where appropriate, a single point of customer contact for future projects
- To review the culvert repair project at the appropriate time to understand where we can learn and improve

I fully appreciate that you may not agree with my assessment, which is your right. If you are not satisfied you can complain to Waterways Ombudsman, within 12 months of the date of this letter.

The waterways ombudsman can be contacted by emailing: enquiries@waterways-ombudsman.org

Or by writing to:

The Waterways Ombudsman
PO Box 1340
Warrington
WA4 9TT

Yours sincerely,



Darren Leftley
Head of Water Development