

# **BMBHA Open Forum Meeting**

**Saturday 26<sup>th</sup> February 2011**

**Venue: Master Mariner**

**Time: 12:30**

Committee Present: John Boyce (JB), Laura Stephens (LS), Paul Stephens (PSt) & Phil Sheer (PSh), Terry Smith (TS)

Approximately twenty BMBHA members attended.

JB - opened the meeting by welcoming everyone. JB outlined the objective of this special open forum which was to discuss the recent letters received by some 150 berth holders from the valuation office of the Council advising them of their intention to issue a domestic council tax invoice.

RF (Ray Flowers) – Asked if it could be placed on record that a large number of berth holders who received the letter could not be in attendance, either due to the short notice of calling the meeting or due to work commitments. This was duly acknowledged by JB and JB asked all present to brief their friends and colleagues on the content of today's meeting.

JB – gave a review of the events that led up to and post receipt of the council letter. This included briefing those present on a meeting held between JB and Premier Marina (Brighton) management which included Phil Godfrey and Alan Turnbull. Items briefed included:

- Marina management stated they were not aware of the receipt of the letters, but were aware they were on their way.
- Premier were subjected to a rates review last summer where Premier were trying to reduce their business rate tax exposure. Premier stated the council refused such reduction and indicated the council would rather collect from individuals,
- They confirmed 150 letters were received and placed in the pigeon holes within the marina office.
- Premier stated that the council had asked for the information and were obliged to provide it. The Council stated that Premier had requested the council to send the letters out. Another berth holder confirmed they had been told by the council that Premier had asked the council to send the letters out. JB confirmed that via the Freedom of Information Act we will attempt to find out the truth of what happened to ensure there was no breach of the Data Protection Act.
- JB was told that all other Premier Marinas were being assessed. Their respective berth holder associations were not aware of this when asked.
- JB was told that the 150 berth holders were selected using three indicative methods; mail delivered to the marina office, no other registered address on their files and the amount of fob access use. JB stated that there were some discrepancies in the way this was conducted as it was obvious that the assumptions made were not entirely accurate.

ALL - An open forum followed where berth holders raised issues, shared experiences and asked questions. The main areas of discussion included;

- No clear legal opinion on the internet about what constitutes boat use and the application of council tax,
- The government's own guidance would suggest no tax due,
- Was what Premier did in accordance with the Data Protection Act and/or Freedom of Information Act,

- Using fobs, mail and lodged addresses with the marina were discussed at length, with berth holders providing examples of how such measurements are not accurate and misleading and how the berth holders identified was restricted to 150 when it is thought that long term stayers was significantly higher. JB stated that Premier has capped this at 150 for reasons unknown,
- VAT implications if council tax is paid, it is widely reported that if domestic council tax is paid then the mooring would become zero rated and therefore the VAT at 20% may not be chargeable. This is not confirmed and would need to be subject to further guidance from HMRC.
- How would paying council tax affect marina rules and regulations, as paying council tax would in effect confirm residential status according to the rules and regulations of the marina a side letter would need to be issued to all those affected.
- If council tax was paid what additional rights would the berth holders have,
- Would BMBHA request the council delay issuing the invoices in light of the unfair and mis-informed information they were provided with and provide berth holders with more time to consider their responses, especially in light of all the possible implications.
- Advice given out by the Residential Boat Owners Association on the impact of paying VAT on a domestic mooring, suggests that VAT would not be chargeable.
- Land registry issues were discussed and Psh confirmed a search of the land registry has been requested to see if any boat in the marina are currently so registered,
- Berth holders reported pontoon activity with non-marina staff holding clip boards and wondered who they might be. JB will ask Premier to identify who they were.

## Summary

PS informed the forum that those who had received the letter and disagreed with its content should respond, giving their reasons why they disagreed. No response will almost certainly be considered as agreement and the invoice/bill will be issued. It will be more difficult to have the invoice/bill withdrawn/credited after publication and therefore if berth holders feel this is not correct they MUST respond.

JB stated that BMBHA have sent a letter to the council advising them that the method of delivery was inappropriate and some berth holders will not have received the letters. The letter also pointed out that the standard marina contract suggested council tax should not be levied.

JB requested that berth holders keep the committee informed of any communications, actions or answers they may receive from the council. JB advised them to use the [admin@bmbha.org.uk](mailto:admin@bmbha.org.uk) email address which would then be collated.

JB thanked all for attending and closed the meeting at 14:00.