

**BAY VIEW CARAVAN OWNERS' ASSOCIATION**  
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## HISTORY OF THE £150 REFUND

**1 October 2012**

**Dear Members**

**On 28th February 2012**

Ro Burbridge, our Association Chairman then, met Anthony Esse at Tilford Woods. They discussed the services and facilities which owners had paid for but not received. Anthony Esse was surprised at the loss of facilities and offered £150 refund to compensate for the loss as a one-off sum.

**On 22nd March**

Anthony Esse made a written offer of £150 refund to owners when he wrote to Rosemary. "We are prepared to look favourably at a £150 reduction for this year as a one off because of the lack of services / facilities that you have suffered." The offer was in respect of services and facilities for which owners had paid but had not received. The only condition mentioned at the time of the meeting was that we do not gloat.

**On 23rd March**

The Association then met Darwin and NACO and James McConnell introduced a new factor – that the refund was contingent on the Association agreeing a new licence. The Association noted his opinion, and said this was not acceptable at all, as the refund and a new licence were two totally different issues. We informed him that Anthony Esse had not put any conditions on the refund or that it was related to another issue when he made the offer to Rosemary.

**On 26th March 2012**

The Owners' Association accepted the offer of a one-off refund of £150 as set out in our letter, attached. As you can see, this letter sets out the normal VAT accounting practice for a refund - it is applied to the invoice before VAT (not the core fee, as may have been misinterpreted from our acceptance letter. The Association corrected any misunderstanding on this point, in future notes to members, as requested by Anthony Esse). In simple terms it means that the refund should be £150 plus VAT, as we have already paid £150 PLUS VAT since 2009. If not calculated in this way it would mean that the Darwin refund would be £125 and the other £25 would be coming from the Government. We don't think the Government would be happy with that! However, this is for Darwin to decide and calculate.

We also believe that at the meeting on 23rd March we agreed that a joint letter to owners would be sent, so that it would be clear that both the Association and Darwin were at one on the agreed refund. We offered to help the park manager with this in our letter to him on 6th August, but have received no reply from him yet. The letter is on our website,

[http://bayviewowners.co.uk/Representation/Darwinletters/Letter\\_sent\\_to\\_AndyB\\_re\\_fees\\_rates\\_refund\\_6thAug12.pdf](http://bayviewowners.co.uk/Representation/Darwinletters/Letter_sent_to_AndyB_re_fees_rates_refund_6thAug12.pdf)

but is not shown by Darwin on their website.

As referred to above, in our letter we refer to how this deduction would appear in accounting terms on our bills. We refer to its being deducted from the core fee but we were not suggesting that it would be reduced in relation to the calculation of the next core fee for 2013/14, once the services and facilities had been restored.

**On 17th April 2012**

The refund was again confirmed in an email from Anthony Esse to Rosemary. The refund is not a concession, however, it is a refund for services and facilities we have paid for but not received. It does not depend on any other unrelated issue. As we have said in many Notes and Newsletters now, we do not suggest that all owners will get the full £150 plus VAT one-off refund, only those who have experienced a reduction of services and facilities since October 2009 when Darwin became successor in title to the park.

However, for those with a Darwin licence we have made it clear that the one-off refund should be pro-rata since Darwin continued to advertise and charge for these services and facilities but did not provide them. We are expecting the management to calculate the one-off pro-rata amount to be refunded to these owners with a Darwin licence.

**Last week**

We suggested to you that you pay the balance of fees for 2012/13 as a gesture of goodwill. Some members may have done so by now. Other members contacted us to say that they felt that this was not likely to bring about the one-off refund of the £150 promised by and agreed with Anthony Esse, as they doubted that he was a man of his word. They may have been proved right, as this gesture has not been reciprocated by Darwin and they have not yet made the one-off refund. Time will tell. In fact this is likely to have provided Darwin with the "51%" that they quote in Anthony Esse's letter. However if you have paid the balance of fees, then do not worry, as you are still owed the one-off refund and this can be taken into account in the discussion of fees for 2013/14.

So we are now awaiting the £150 one-off refund as promised and fully expect to see it as Anthony Esse wrote that he is a man of his word in May 2011.

Phil Davey	No 212 - Chairman	07901 586 189
Richard Edwards	No 66 - Vice Chairman	07717 682 323
Andrew Scudamore	No 18 - Secretary	07855 217 866
Marjorie Edwards	No 66 - Asst. Secretary/Membership	07717 682 323
Phebe Tiney	No 132 - Treasurer	07525 006 139
Rosemary Burbridge	No 311 - Liaison Officer	07961 034 473

Attached file: Association letter dated 26 March 2012 to Anthony Esse - available on the website – direct link is [http://bayviewowners.co.uk/letters/Letter\\_to\\_Esse\\_26March2012.pdf](http://bayviewowners.co.uk/letters/Letter_to_Esse_26March2012.pdf)

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