

BAY VIEW CARAVAN OWNERS' ASSOCIATION
PO Box 5534, Swanage, BH19 2ZN
email: bayviewcaravanownersassociation@yahoo.co.uk
website www.bayviewowners.co.uk

Dear Members

True colours? We hope not

Having now received the latest reply from Anthony Esse, we feel that we should write to all members of the Association to explain the current situation.

We have suspected for some time now that Darwin had no appetite to meet and discuss matters with your Owners' Association. Yes, we have been pushing to get the best possible licence for our members, but we have always been prepared to negotiate. When negotiating it is common to ask for more than you are prepared to accept so that there is room for movement. Unfortunately we have not had the chance to get round the table with Darwin to show our willingness to "bend", as Darwin have walked away from any discussions so far. NACO are continuing to seek discussions as agreed by the Association and Darwin in March 2012, and we are always willing to work with NACO and Darwin.

November 2011

The meeting we had last November with James McConnell was rushed by him and there were certain matters relating to the licence that he was in too much of a hurry to cover (as he said he was going on holiday the next day). The matters which James McConnell wanted to cover were of course discussed.

January 2012

The meeting in London in January took place only after Darwin pushed the starting time to a time inconvenient to the Committee members attending, but which we still attended. Once there, the Committee were subjected to some very aggressive behaviour by Darwin - raised voices, shouting, pointed fingers and much table-banging. Again there was time pressure as Darwin said they were having to pay for the hire of the room – although we had offered to go to their office. The room was booked from 10 until 12, and Anthony Esse left after the first hour, despite the fact that Committee members had given up their time to travel all the way up to London to meet with him, at a time and place convenient to him. Needless to say the meeting achieved nothing other than to result in the then Chairman, Ro, and the Association, writing to Anthony Esse and James McConnell to complain about Darwin's conduct.

March 2012

The meeting in March was attended by NACO and Darwin and we felt that some progress was made as it was agreed that the new licence would be coordinated by NACO. It was agreed that both the Association and Darwin would submit their points and draft licences to NACO. The Association did so.

Since March Darwin have not agreed to meet the Committee, even though we gave numerous dates via NACO and by appealing directly to Anthony Esse.

July 2012

Your Committee has had two very productive meetings with NACO and this has resulted in the draft licence that is posted on our website at

http://bayviewowners.co.uk/emailcirculares/Assoc_final_Draft_SBV_Licence_17Aug2012_sent_to_NACO.pdf

and the covering note on 14 September

http://bayviewowners.co.uk/emailcirculares/Covering_note_re_draft_single_licence14Sept2012.pdf

Both have been emailed and posted to you.

This of course is better than the draft proposed by Darwin, but also shows just how many areas where we have agreed with the draft Darwin licence. Naturally we were willing to negotiate. Unfortunately Darwin have not been willing to do this. Those of you who have reviewed the Darwin draft will notice that it does not even include payment of fees and rates by Instalments, which were agreed with, and are shown in the official minutes by, Swanage Town Council in 2008 and which we have been doing ever since! We find this amazing as we do not know of any organisation which does not allow instalments for the payment of large sums of money. It seems that only park owners refuse instalments!

September 2012

Now Anthony Esse has written to the Owners' Association to say that he will no longer recognise it as the representative of hundreds of owners, his customers, in spite of our being recognised by Burges Salmon, Darwin's solicitors. Of course it is you, the members, who have the right to choose who you are represented by, not Anthony Esse. He can choose to ignore your wishes, but that is a clear attempt to deprive you of your rights, and a clear slap in the face to all of us. More importantly, it is contrary to English law – you are entitled to ask anyone to represent you – and by joining the Owners' Association you have asked the Association to do this.

His de-recognition is his choice, but the Association continues and more members join on a regular basis. So we can all cope with any de-recognition of the Association. The Association will continue to represent us all in accordance with the law, and to protect your interests. Our membership is still around 80%. To emphasise, anyone is entitled to ask anyone to represent them by law, and by virtue of your membership you have asked the Association to represent you. That is what the Association will continue to do. If Darwin refuse to accept this they will be acting contrary to the law, natural justice, good practice, good customer relations, and the views of the OFT, DTS, NACO and MPs along with many others. Their lawyers will tell them this. Their actions raise an important question - why would Darwin want to act in this way?

The message from Darwin is clear: Darwin's aim appears to be to divide and conquer by denying recognition and representation and only discussing licence issues with individuals on their own. We need to stick together even more now. We understand Anthony Esse has said in the past that his aim was to destroy the Association from within, and that he would grind the Association into the dust. We need to ensure that we show our solidarity and strength or Darwin may try to pick us off one by one.

It is certainly regrettable that Anthony Esse has taken this step, and despite our efforts together with NACO to get around the table with Darwin. It is Darwin who have walked away, quite unreasonably we think, at a time when we were so close to agreeing.

We will reply to Anthony Esse in due course. Regrettably his letter is incorrect on numerous points, and it appears he has been given misleading information by some on SBV, and on which he made his decision.

On 27th October

We have our next General Meeting on 27th October, and we intend to invite Anthony Esse and Darwin to meet together with you, their customers, before that meeting starts.

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 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.

We felt that we needed to push so that we could see Darwin's true colours. We now need to plan our future action. Please feel free to contact us via the official email address with any comments and in particular any suggestions for future action - on bayviewcaravanownersassociation@yahoo.co.uk, or by post.

Keep calm
and
keep together.

Website

Please do look at our website for all the current information at

www.bayviewowners.co.uk

If you can't access it please ask a friend to help you, and add it to your favourites bar for easy access. **This is most important for you to see.**

AND FINALLY

Don't forget our next General Meeting on 27 October at 5 pm in the Quarryman Bar ... see you there!
Regards from all of us

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

1 October 2012