

**Text of email sent to members 31 October 2012**

Hi all. We show below a reply we have sent to Anthony Esse in response to his letter of 16 October. We also attach a more detailed set of comments on his letter, for balance. Our comments in the attachment are in red, so you can see both sides of the story he sets out in his letter.

We hope this helps you all appreciate the full story.

Regards

BVCOA

**The attached document is available online here:**

[http://bayviewowners.co.uk/wp/wp-content/uploads/2012/09/Note\\_sent\\_to\\_members\\_31Oct2012.pdf](http://bayviewowners.co.uk/wp/wp-content/uploads/2012/09/Note_sent_to_members_31Oct2012.pdf)

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BAY VIEW CARAVAN OWNERS' ASSOCIATION  
email: [bayviewcaravanownersassociation@yahoo.co.uk](mailto:bayviewcaravanownersassociation@yahoo.co.uk)  
website [www.bayviewowners.co.uk/](http://www.bayviewowners.co.uk/)

31 October 2012

Dear Anthony

We refer to your note posted on the Darwin website and the letter dated 16 October sent to individual caravan owners.

We are writing to you as the representative of caravan owners and members of the Owners' Association. As you know, it is everyone's right to have a representative under common law and natural justice, and the Association is the representative of the membership. So we ask that you reply to us please on this basis.

**£150 refund**

We are very pleased that you will refund the £150 for services paid for but not received. Thank you very much.

Having said this, we have been contacted by many owners who are saddened and felt rather intimidated by your letter, and we would like to help them with this as we have suggested below. It seems to us that the key points of your letter could have been presented in a very positive manner to owners, as summarised below:

- you were very pleased to refund the £150 to amended STC licence holders and on a pro-rate basis for those with a Darwin licence,
- you were pleased the Association and Darwin are working together with NACO to produce a revised licence for all on SBV,
- it was your intention to continue to recognise and work with the representative body of your customers – the Owners' Association.

This would have strengthened customer relations and helped build closer ties to owners, helping them to feel valued, respected, involved and cared for.

We are sure that you intend to compensate those who have had the Darwin licence since October 2009. It is arguable that they are also entitled to some refund as they bought caravans when the facilities advertised were not actually available.

Having said all this, the facts you state are not ones we recognise, having spoken to our previous Chairman. You make no reference to the detailed letter we wrote to you on 21 November 2011 where the refund of £150 was set out quite clearly as part of a suggested £350 refund.

It is a little difficult for owners to draw their own conclusions, as Darwin only show them the Darwin side of the story on the Darwin website, so there is no balance of views. People can draw their own conclusion when they see both sides of the story as shown on the Association website <http://www.bayviewowners.co.uk/>

### **Your letter and Representation**

As an Association we represent over 80% of owners and we feel that it is right and vital that our link with you remains.

Under these circumstances we hope that you will reconsider your unilateral decision to not recognise the Association – which represents over 200 of the caravan owners on the site, your customers.

We noted your comments on the letters of 8 and 28 August, and have for some months now been trying to meet with Darwin staff in order to discuss and resolve any misunderstandings. We are still available for meetings, as it must be practically more convenient to meet with one body that represents hundreds of owners rather than to deal individually with hundreds of owners separately.

We advise owners what they can pay as they ask us the questions, but we never tell them what to pay. The extracts you show are quite correct, your interpretation incorrect in our view.

Any misunderstanding could easily have been resolved had we been meeting on a regular basis with Darwin management as we did with previous managers.

It is true that grass-cutting, waste collection and the physical environment have improved on SBV, and we thank you and your grounds' staff for that.

## **Revised licence**

We are encouraged by the draft licence you refer to as being on the Darwin/Smilies website. We trust that with input from NACO, as agreed, we can be ready to recommend it to all the caravan owners, your customers.

## **Organised meetings**

We met in November 2011, January 2012, and in March 2012. Thereafter, it was the Association which offered at least 5 separate days when we could have a meeting but all were declined by Darwin with no alternative dates suggested by Darwin, and then James McConnell withdrew from meetings all together. As you can see, we have suggested various dates for meetings and are happy to consider further suggestions for dates. We do hope to reach a point where we can work with Darwin for mutual benefit. We are sure the fact that you said that Darwin would comply with OFT 734 on 28 July 2011 will help to achieve this, and we know you will keep to your promise.

We look forward to being able to forge a better relationship between owners and Darwin that will be of great benefit to both parties, and we will continue to support the individual Association members, your customers, as their representative. We also look forward to hearing about and discussing your proposed plans for continual improvements and upgrades, according to our licence and OFT 734.

Finally, we are sure that it is not your intention to refuse any individual the right to have the Owners' Association to represent him/her, and we shall therefore continue to communicate with you on their behalf.

Yours sincerely

Bay View Caravan Owners' Association

Cc NACO

DTS

OFT

Park manager