

BAY VIEW CARAVAN OWNERS' ASSOCIATION
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23 October 2012

Hi all

You may by now have received another letter from Anthony Esse. Do not worry about it. We know that we have had to use these same words on a number of occasions now and it saddens us that Darwin continues to write to its customers in this fashion and continues to worry them unduly with such correspondence. The letter is essentially a repeat of the one he sent on 27 September and to which we replied on 4 October. His recollection of the history of the £150 also differs from the account we have posted on the www.bayviewowners.co.uk website, and we have sent to you.

The good news is that those with the STC licence will now get the £150 which was promised to Rosemary in February/March, after our letter to Anthony of 21 November 2011. He makes no mention of the VAT we had paid already on the £150 but we are suggesting we forego this as a matter of good will. If you disagree, you can take this up with Darwin yourselves.

Much of what he says in his letter is not correct in our view as we have explained before. Indeed some of his statements are quite wrong, which we will point out when we reply to his letter. Examples he uses do not actually support his argument but in fact reinforce the Owners' Association statement that we only suggest and advise our members as to what should be paid to Darwin. We wonder what the purpose of all this is. We will reply as an Association as you, as individuals, by virtue of membership, are being represented by the Association. As you know, anyone can have anyone represent them under common law, and so we will continue to do this as your representative. For him to ignore this will be contrary to natural justice and a denial of your rights.

Anthony does not say how the £150 will be returned to us, but with his promise, you can now settle up the fees for 2012/13 if you wish. If you have only paid last year's fee of £3,064.69 so far, then the balance to pay for 2012/13 would be £165.49. (See our gesture of good will note to you of 24 September.) There is no indication of how the £150 will be refunded and so you may choose to settle by paying £15.49, being the difference between £165.49 and £150. This is of course your choice, as we do not tell you what to pay. If you have already paid, then you have cleared your fees for 2012/13, and do not have to pay any more fees for 2012/13. Such people can now expect a refund of £150 to appear on their statements, we assume.

Those with a Darwin licence will have bought their caravan on the basis that the facilities advertised were actually available, when they were not. It is arguable that this could be mis-selling, by advertising facilities which were not actually available. In his letter Anthony Esse does not mention how these owners will be compensated for the facilities and services that they expected to have and have paid for, but not received. We believe that this is best addressed by Darwin calculating a pro-rata refund which will be less than £150. That should be straightforward. We shall ask Darwin how they propose to compensate these owners when we reply to Anthony Esse's letter. We can think of no logical reason why Darwin would not agree. The fact that the £150 will now be refunded to some and not others will strengthen your case.

Finally, we are working with NACO to produce a revised licence, fair to all, as all parties agreed in March, and assume Darwin are doing the same, as this was what was agreed. We have sent our final comments to NACO and will keep you informed of developments. With regard to the draft licence Anthony refers to in his letter as being on the Darwin website, there are still errors in it such that no solicitor would recommend that it be signed until corrected. We trust that with input from NACO these problems will be fixed and then we will be ready to recommend it to the members. We are that close to agreement; all we need is to be able to sit down round the table, Darwin, NACO and the Association, and finalise it!

We will be replying to Anthony's letter in due course, and you will receive a copy.

Don't forget our next General Meeting as a group of owners' get-together, on 27 October at 5 pm in the Quarryman Bar ... see you there!

It would appear from a reply we have received from Andy Bennett late yesterday that Darwin will not be sending anyone to meet with a group of you, their customers, on Saturday. We shall reply to Andy to see if this is correct and will keep you informed.

Regards from all of us

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