

18 March 2013

Dear Members.

**Letter from Darwin about a proposed new licence, and no daily service charge**

You may have received a letter dated 14 March, from SBV/Darwin with regard to a new licence for all owners on SBV. Do not worry about it. The target date which has been suggested gives us all three months to consider what we need to do.

We have not been told by NACO that this new licence has been agreed with them. We are awaiting response from NACO.

We believe the new licence is indeed better than the old STC licence. It contains almost all the elements that we were looking for except instalments, and reference to the correct Rules. These can still be addressed - see later.

It is for you to decide if you wish to sign the new licence. You have an existing licence and if you are happy to keep that one, then you are free to do so. Reference is made in the third paragraph of the Darwin letter to part of the present licence which relates to changes to the park and/or the way it is managed (para 15c). You can check it out yourselves. Changes to the licence have been discussed for about 18 months and are quite independent of any changes to the park and/or the way it is managed. So, contrary to what Darwin say, you do have an option of agreeing a suitable new licence or not.

We understand that the licence in the Sales Office does not include the option of instalments which have been contractual since 2008. We have been working through NACO to get the new licence agreed and it would seem that they have not been able to get instalments included in the licence document. We have however all been invited to pay by instalments when we received our letter from SBV, dated 28 November 2012, requesting 2013/14 fees, and since (26 February 2013). SBV have since confirmed that instalments will always be available in an email to your Chairman dated 16 March 2013. We therefore suggest you attach the SBV letter to the new licence to ensure the protection of the option of contractual instalments.

The proposed new Park Rules have also not been discussed yet and seem to differ substantially from the old rules and do not appear to be Swanage specific. These will be discussed with Darwin shortly.

Having said this, it is clear that Darwin wish to emphasis reasonableness. So do we. Both we and Darwin wish to act reasonably.

It is not for the Owners' Association to tell you to sign the new licence, but please refer to the third paragraph above. The new licence, with letter attached, will undoubtedly be the best in the UK, in the opinion of NACO, the OA and Darwin.

So, in summary,

- The new licence is indeed better than the old STC licence. It contains almost all the elements that we were looking for except instalments, but see below
- You should feel free to request a copy of the new licence from the sales office so that you can take it away and review before signing. It does not have to be signed "there and then".

- The contractual right to pay by two instalments can be protected by attaching the SBV letter dated 28 November 2012 to the new licence, as a side letter
- We expect a more SBV specific set of Park Rules to be drafted following discussion in accordance with OFT 734, para 60
- If you are not clear about anything in the licence please do not hesitate to contact us
- It is for you to decide if you wish to sign the new licence. You have the option. You have an existing licence and if you are happy to keep that one, then you can do so.

As SBV have set such a reasonable target date we all have time to consider the new licence and our best course of action. We will be able to discuss all this at our next General meeting probably in May at a convenient neutral venue in Swanage where we hope plenty of parking will be available.

**No Daily Service Charge**

You will be pleased to see that in an SBV letter to Owners dated 15 March, Darwin have agreed to *“stand the costs of the service charge, and this will be reviewed at a later date”*. This is good news for us all. We do not have to pay a daily service charge for electricity (we never have any case).

You should note that, amongst other reasons, the daily service charge cannot be charged anyway as it is now an implied term of our contract that it is not paid, as it has not been charged for well over 20 years or so. Additionally cable maintenance is included in the maintenance clause in the licence and is already paid for in the site fees.

Regards,

Bay View Caravan Owners’ Association

**Contacts**

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
Rosemary Burbridge	No 311 - Liaison Officer	07961 034 473

Cc NACO  
DTS