

Mr Anthony Esse
Darwin (Swanage Bay View) Ltd
Stanmore House
29-30 St James' Street
London SW1A 1HB

4 October 2012

Dear Anthony,

We were very surprised to have your letter. Your proposed action was not mentioned in the texts that James McConnell and our Chairman were exchanging prior to our meeting with NACO. When NACO mentioned this to us, and the next day we had a further text from James, we still hoped that you would have second thoughts. It does seem to us that you may be poorly advised, with advice based on the practices from the past and not the modern approach which has been outlined to you several times lately. MPs, the Office of Fair Trading, Trading Standards and NACO all take a different view to you. That in itself must tell you something.

It may be easier to reply to your comments point by point:

1 Your assertion about views of owners and the view of the committee is entirely in error. The Committee has never told any owner what fee to pay; rather it has merely suggested that owners would be within their rights to pay the figure for 2011/12 fees, as we had not agreed the fees for 2012/13 pending the refund for services and facilities paid for but not received. We have never advised our members to deduct the £150 from their bills, but that in the end it is a matter for each individual. It follows that what people actually pay can therefore give no indication whatsoever as to whether the Association and its committee is fairly representing owners' views. The only measure is the number of members enrolled which currently is more than 80% of owners. In fact, we have recently written to our members suggesting that as a gesture of goodwill they could pay the 2012/13 fees in full and rely on your good word to refund the £150. This is likely to explain why you claim that more than 51% of owners have paid the fees for 2012/13. That again is their choice. We therefore consider that your reason for not recognising the Owners' Association is invalid.

2 We too have worked with NACO as agreed with Darwin on 23 March, and have submitted a draft licence to them. This is preferred by the Owners' Association rather than the interim one Darwin has produced. Our draft is unquestionably the best in the industry for protecting the rights of caravan owners. NACO agree with us on this. We are however very willing to meet and negotiate with you as we all agreed in March.

3 An Owners' Association is needed to facilitate the views and representation of hundreds of owners rather than a park owner having to deal with hundreds of owners individually. This will also help all caravan owners to be treated more fairly and in accordance with OFT 734 and legislation. Again, MPs, the Office of Fair Trading, Trading Standards and NACO all take this view, but it appears that you now wish to go against industry guidance despite previously stating that you would comply with OFT734. We are still working towards a licence which is the best in the industry which we can discuss with you if Darwin will return to negotiations. This could become a model licence for the whole UK caravan industry putting Darwin at the forefront of customer relations.

4 We have always made sure all our publications are accurate and correct. The example you quote is a complete misrepresentation of what we have said. Any misunderstandings on Darwin's part can always be resolved by discussion and we are always willing to do this as we have repeatedly and reasonably said.

We are concerned that you appear to have been seriously misled and ill-advised about the £150 refund. Consequently the statement you make in your letter is wrong. This is a one-off refund, and does not in any way affect future core fees. This is because as the services (or most of them) have now been replaced, the £150 is added

back to the core fee for future years. Whoever advised you otherwise either did not understand this or the normal method of accounting. Either way, this could have been resolved by simple discussion. Our members are still patiently awaiting the £150 refund which you promised for services and facilities that they have paid for but not received.

Other comments

When your lawyers, Burges Salmon, advised you, and agreed on your behalf, to recognise the Owners' Association in February 2010, as the evidence that the Owners' Association fairly represented owners' views was indisputable, it was on the basis that no conditions would apply. To introduce conditions now seems to us to break trust and is contrary to good customer relations and good will. This is not an action that will either please or impress the hundreds of customers who are members of the Owners' Association.

We note that when you said in the past that you would meet owners individually on a one-to-one basis very few, if any, turned up. Clearly it is far more productive and reasonable to meet the Owners' Association which represents the views of the majority of the owners on the park. This is a far better use of your time, and gives you a much more balanced view of the owners.

In any event, even if you choose to only deal with individuals rather than the Owners' Association, you still cannot deny any person the right to have any other person or body to represent them. Any individual owner can therefore have the Owners' Association, which will continue to exist, as their representative on any particular matter. If, however, it is your position that you would refuse an owner the right to have the Owners' Association to act on his behalf, we would be grateful if you would confirm this in writing, as in our view to do so would be to breach the common law principle that any person should be able to have a representative of their choosing.

Conclusions and points on which confirmation is needed

To sum up, we are very disappointed with the approach you are taking towards the members of the Owners' Association, all of whom are your customers. We find it hard to understand how a company which presents itself as a market leader in the caravan park industry can, in practice, do the opposite of what good practice recommends. Our members feel that Darwin do not want to recognise the Owners' Association simply because it would allow Darwin to adopt a 'divide and conquer' approach. Continuing to recognise the Owners' Association would obviously address your customers' increasing concerns about this.

Finally, we invite you to respond to our comments to your first stated reason for not recognising the committee, which, as indicated above, we consider to be invalid. We also would like you to confirm in writing whether it is your intention to refuse any individual owner the right to have the Owners' Association to represent him. We look forward to hearing from you on these two points, and any other comments you may have generally. Preferably, we would wish to have the opportunity to meet with you to agree a way forward, as the written word is a sorry substitute for face to face conversation. We are sure that NACO would be happy to mediate at such a meeting.

Yours sincerely

(signed)

Phil Davey	Chairman
Richard Edwards	Vice Chairman
Andrew Scudamore	Secretary
Marjorie Edwards	Asst. Secretary/Membership
Phoebe Tiney	Treasurer
Rosemary Burbridge	Liaison Officer

cc NACO, Park manager, James McConnell, SBV Reception, Sales Office, Dorset Trading Standards, Office of Fair Trading