

**BAY VIEW CARAVAN OWNERS' ASSOCIATION**

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**NEWSLETTER No 54, DECEMBER 2012**

**17 December 2012**

Hi all

**We wish you all a very Merry Christmas and a Happy New Year.**

**1 Fees 2013/14 for those with the amended STC licence**

You have presumably by now received 2 letters from Darwin with 2 different invoices. The first one was wrong, the second one correct. We had already sent a letter on 6 December to the Team at Swanage Bay View pointing out the error in the first letter on your behalf. The letter we sent is on our website.

Copying Darwin's revised calculation, for clarity, the correct figures are

Core fee 2012/13	£2691.82
CPI at 2.7%	£72.68 (from the Government's statistical tables for October 2012)
Proposed new core fee for 2013/14	£2,764.50
VAT at 20%	£552.90
<b>Total fee for 2013/14</b>	<b>£3,317.40</b>

We recommend the proposed corrected new core fee and subsequent total fee to you, even though there has been no discussion on this as required by our licence and OFT 734 – with which Darwin have agreed to comply. However, we have waived the need for discussion as the fees have been set correctly now. Payment can be made in two instalments in March and September in accordance with our agreement with Swanage Town Council (STC), subsequently agreed by Darwin, and we expect the option of instalments to be included in any new licence.

It is good to see that the proposed fee for 2013/14 has now been calculated in accordance with our agreement with Swanage Town Council and as included in the draft licences produced by both Darwin and NACO. So, core fee error apart and no discussions, we are very pleased that Darwin have followed the correct method of calculating the fees for 2013/14 and added no other expenditure, and all has gone smoothly.

For the record, we have pointed out in our letter to Darwin that they have apparently attempted to change the words of our licences by referring to the fees as '*confirmed*' when they are in fact '*proposed*' in our licence.

Similarly, Darwin has referred to instalments as being '*accepted*' when in fact they are '*contractual*' and have been since 2008/09 for both fees and rates. Darwin has a copy of the STC minute agreeing to this and Darwin has also agreed it. The option of instalments is in the NACO agreed draft licence (see item 4 below).

We do not accept any changes to our licences with these different words. We expect Darwin to keep to the wording of our licences in future, and not attempt to change them unilaterally. Proposed fees and the option of instalments are '*as per our Licence Agreement*'.

We believe there may be different letters for different caravan owners, with different core fees(!) so perhaps you can email us the core fee quoted in your letters so we can ensure everyone is being treated the same and fairly.

There is no need to worry about any of this, as nothing has to be paid before 1 March 2013, unless Darwin offer a discount as last year for early payment. We will be in touch with you again before March.

## **2 Fees for 2013/14 for those with the Darwin licence**

As we said above, Darwin have not discussed the fees for 2013/14 with us as they are required to do, so we have not seen any letters Darwin have sent to you. Perhaps someone can send one to us, or several as we understand there have been several different licences since October 2009. In any event, any increase should be based on a CPI of 2.7%. There is no other expenditure that is for our benefit (all licences require that any additional expenditure has to be for our benefit). Once we see your letters we can check whether they are fair and in accordance with the licence. We think it is discriminatory that you may be paying over £1,000 more for your licence than those with the amended STC licence do, whatever additional benefits Darwin has offered you. We believe such claimed additional benefits as written may not be sustainable in due course.

## **3 £150 refund**

It is very pleasing to see that £150 is now being credited to our accounts for the loss of services, as agreed with Darwin in February /March 2012. We thank Darwin for this. We note this is inclusive of VAT (not exclusive as we thought it was when offered), but are prepared to accept this in the interest of good relations and moving on.

## **4 New licence**

We have submitted all our comments to NACO whom it has been agreed is coordinating a new licence for both us and Darwin. NACO have sent the final draft to Darwin, but Darwin has not replied yet. You can see this final draft licence agreed with NACO on the Association's website under 'Licence', Single Licence Concept, then scroll down to

- Covering note on 14th Sept re Final Revised Draft Licence from 17 August 2012
- Copy of Final Revised Draft Licence – see Covering note (linked above) for background.

It is also available by direct link on

[http://bayviewowners.co.uk/emailcirculars/Assoc\\_final\\_Draft\\_SBV\\_Licence\\_17Aug2012\\_sent\\_to\\_NACO.pdf](http://bayviewowners.co.uk/emailcirculars/Assoc_final_Draft_SBV_Licence_17Aug2012_sent_to_NACO.pdf)

The other draft licence on Darwin's website is incomplete and not agreed with NACO , whatever Darwin may claim.

## **5 Drain-downs etc**

We understand many people are now closing up for the season and we advise to drain down as Darwin have suggested. This will prevent the possibility of leaks during the winter months. NACO also give valuable advice in their Winter magazine.

## **6 Darwin's approach**

Anthony Esse has now arranged for his email server to reject all and any of our emails to him! As we represent hundreds of owners, his customers, it is frustrating for them to have correspondence rejected and unanswered when sent from their chosen representative – the Association.

We do note that it is common law and natural justice for any individual to be represented by anyone they wish, in this case the Association. Darwin apparently does not understand this. But we will continue to write to and deal with Darwin in the normal way on your behalf, even though Darwin may not respond to us! Any third party looking at the situation would surely conclude that the Association had acted reasonably at all times and that

Darwin's approach was inappropriate and unsuitable to say the least, being quite contrary to good customer relations amongst other things in our view. We show Trading Standard's views on this at item 7.

You will recall that Darwin banned us from having meetings in the Vista in October, and from now on. This is ironic as we actually pay for the Vista and its use. The public and all sorts of interest groups meet in the Vista and the Association is no exception in our view. We are told the Vista is for owners and holiday-makers. The Association comprises owners and holiday-makers!

Although we think it quite bizarre that Darwin does not wish to deal with the Association, we will continue to try to work with Darwin (and the Office and Ground staff) to restore recognition of the Owners' Association, for good customer relations, good practice and ease of operating amongst other things.

## **7 Dorset Trading Standards (DTS)**

DTS are aware of the attitude of Darwin's refusing to acknowledge any letters we send to them or issues we raise on your behalf. In summary, DTS say:

- *we consider it entirely illogical and not constructive for Darwin to deal only with individuals and not to deal with the Association (which represents about 220 individuals), as part of good customer care*
- *we consider it to be rather petty and heavy-handed to undermine a gathering of the Association and that any attempt to do this by limiting the use of a shared facility can only be short-lived and irritating in our view.*

We have asked DTS if they could work with Darwin to restore recognition of the Owners' Association .

## **8 Website**

You can see all the details of our dealings with Darwin and others on the Association website

[www.bayviewowners.co.uk/](http://www.bayviewowners.co.uk/)

## **9 Woodside Beach, Isle of Wight**

You may know we are in touch with other Darwin sites to compare notes on how Darwin are managing, and Chris Putman, Chairman, Woodside Beach Caravan Owners' Association on the Isle of Wight has told us of the difficulties that they are having with Darwin. You may want to follow this link to see further information:

<http://www.wbcoa.co.uk/default.html>

It seems that NACO are willing to take this difficult situation on to address the way in which Darwin are acting.

In comparison, it seems we are so much more fortunate at Swanage.

## **10 The future**

It is our hope and desire that 2013/14 will see opportunities to develop the relationship between the Association and Darwin. You may have some ideas as to how this can be achieved and we would welcome your input and feedback. We are expecting Darwin to act in accordance with our licence and OFT 734 from now on, so there can be better relations anyway. Please send any suggestions via [bayviewcaravanownersassociation@yahoo.co.uk](mailto:bayviewcaravanownersassociation@yahoo.co.uk)

We also hope that our continued reasonable tone when communicating with Darwin will help them to see that we can do business together.

## 11 Caravan Letting

We have been contacted by Clare Muscat, who runs a company called Bayview Caravan Hire. Last year she let out her own caravan, and had far more success than when she let it out through Darwin. As you are aware many people let their caravans, although some people do not have time, or are not close enough to do this.

If any caravan owners would like an agent to let their caravan out, she will be doing this as of March 2013 at [www.bayviewcaravanhire.co.uk](http://www.bayviewcaravanhire.co.uk) or contact Clare Muscat on [info@bayviewcaravanhire.co.uk](mailto:info@bayviewcaravanhire.co.uk).

## 12 Sad news about Tony Summers

Pete Marsh (225) recently sent us some sad news about Tony Summers, which we summarise below:

*You may already be aware that Tony Summers, who leased the grazing rights and kept the six horses on the Townsend Nature reserve has died. Having had an operation on his ankle at the beginning of April, Tony had been unable to visit the site very much this summer and the horses were being looked after by his cousin Yvonne and friends. The operation went well and towards the end of September he was becoming mobile again and, although not fully able to deal with the horses, he was often on site. However on October 17 Tony had a severe stroke and died a few days later. The horses are being looked after by Yvonne until they are sold. Two have already gone; the others will be following as soon as possible. So that will be the end of an era, Tony was a lovely guy who enjoyed life, loved his horses and the Townsend. He seemed to know almost everyone in Swanage, and many of the families on Swanage Bay View, he will be sadly missed by many people. He worked hard on the nature reserve keeping down the rag-wort and saplings and keeping the paths clear. The grazing of the horses kept the grass down. Together with the horses, Tony will be a hard act to follow.*

Since then Dorset Wildlife Trust has been in touch with Yvonne to see if the new owner of the horses is willing to keep them on the Reserve. If not DWT will have to find alternative grazing stock as they are an essential part of the maintenance of the Reserve.

Pete thanks the Association once again for all the hard work it puts in on everyone's behalf, and sends his regards and every good wish.

### AND FINALLY ....

We will be arranging the next meeting probably in April 2013 when the weather is getting better. We will let you know the date and venue in due course, but we have been banned, quite unreasonably in our view, from holding it in the Vista complex, as we have referred to in item 6 above. You can see Dorset Trading Standards' view of this ban in item 7.

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
Phebe Tiney	No 132 - Treasurer	07525 006 139
Rosemary Burbridge	No 311 - Liaison Officer	07961 034 473

Cc Park manager for information  
Reception  
NACO  
DTS  
Woodside Beach