



Mr Steven George
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*Gofynner am/
Please ask for:*

Deputy Chief Fire Officer
P Bates

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Fy Nghyf/My Ref:

PB/MT

Eich Cyf/Your Ref:

Dyddiad/Date:

10 June 2014

Dear Mr George

Petition P-04-521: Regulating Caravan Sites

I write in response to the letter dated 30th April 2014 written by Mr William Powell AM requesting our views on the above. Please accept my apologies for the delay in my reply.

Over the past three years, Mid and West Wales Fire and Rescue Service (M&WWFRS) has received and dealt with a significant amount of correspondence from the petitioner- Mr Sylvester over his grievance with Y Fron Caravan Park, Ceredigion including matters such as the spacing between caravans, the storage of bottled gas and the siting of caravans relative to boundaries. Despite our investigations and numerous detailed responses, Mr Sylvester refuses to accept our explanations. The following is a summary of a briefing we provided to the Assistant Fire Advisor to Welsh Government, but should you require more detailed information, we hold a comprehensive file on the matter.

Mr & Mrs Lloyd run two neighbouring caravan parks in Borth that form part of 'Y Fron Leisure Ltd'. They are responsible persons who take much pride in their business. They have invested heavily in the business and have recently erected and opened a new clubhouse at one of their sites, Brynrodyn. Y Fron Caravan site shares a boundary with a number of private dwellings. One such property is 'Braeside' owned by a Mr Bryan Sylvester.

Over the years, Mr Sylvester has made a number of complaints to Ceredigion County Council in relation to the proximity of holiday caravans to these properties including his own. His main concern has always been that of fire spread. He has also, in the past, complained about the location of the refuse collection point as well as safety issues relating to Liquefied Petroleum Gas bottles on site. Site inspections by Health and Safety officers have not revealed any issues in this respect.

The proximity matter has been an issue for Mr Sylvester for many years. He has argued that the Local Authority is under a duty to enforce its licensing conditions which state that a 3 metre gap shall be maintained between any 'vans and a boundary'. There has previously been controversy as to whether or not any such condition could be imposed on caravan parks as it would not appear that the previous administration consulted properly with the trade as required under Section 5 of the Caravan Sites and Control of Development Act 1960. The model conditions have always recommended that a 3 metre distance is maintained between 'vans and boundaries'. Some local authorities including Cardiganshire District Council, no doubt with good intent, sought to impose this condition on caravan parks, sometimes as mentioned, without having proper regard to the consultation process.

Eventually, in September 2011, the Lloyds turned to specialist solicitors, Tozers, for legal advice in relation to their position.

Tozers wrote to Ceredigion County Council's Licensing Section requesting that the site licence be varied under Section 8 of the Caravan Sites and Control of Development Act 1960 so that the condition relating to boundary distance be removed as it was of no effect insofar as it related to fire safety matters as the Regulatory Reform (Fire Safety) Order 2005 had effectively rendered any licence condition relating to fire related matters void. Ceredigion Council having had discussions with the Fire Service and with neighbouring local authorities on the matter, sought the advice of Counsel and in view of Counsel's opinion, it was decided to grant a new licence for 'Y Fron' with the condition relating to boundary distance being removed.

It should be noted that in accordance with the provisions of the Regulatory Reform (Fire Safety) Order 2005, the site owners have prepared a fire risk assessment that is acceptable to the Fire Service.

Mr Mark Williams MP, Mr William Powell AM, Councillor Ray Quant, County Councillor and Mr Sylvester were advised of the outcome and that this concluded the matter insofar as the Licensing Section of the Authority was concerned. Mr Sylvester immediately responded in writing indicating that he would not accept the situation and that the Authority will be hearing further from him. None of his neighbours have had reason to complain.

This matter has been before the Local Government Ombudsman on two separate occasions and on both those occasions the Ombudsman has found in favour of the local authority.

We have investigated the matter fully following complaints made to M&WWFRS and after numerous e-mails and phone calls we corresponded with several people to clarify the legal situation.

Mr Sylvester continued to correspond with M&WWFRS prompting our Head of Business Fire Safety to send a final letter in February 2014 stating that the matter was closed.

I would summarise the salient points as follows:

- 1) The Caravan Site was adjacent to Mr Sylvester's property when he purchased his property in 1989 and the first correspondence relating to his complaints of the boundary breaches did not occur until 2000/2001.
- 2) Since that time Mr Sylvester has made numerous complaints to various bodies including M&WWFRS all of whom have failed to uphold his complaint.
- 3) There has been a new Site Licence and Conditions issued which have removed the boundary requirements.
- 4) The Site comes under the Regulatory Reform (Fire Safety) Order 2005 and as such has been audited by M&WWFRS and deemed to be compliant.
- 5) The owners of the site have provided a fire safety risk assessment that has been deemed suitable and sufficient.
- 6) There is no caravan adjacent to Mr Sylvester's property only a storage chalet type building.

In relation to the details of the petition we do not accept that these safety risks are not being adequately enforced.

Yours sincerely



P Bates
Deputy Chief Fire Officer