

Meeting of:	COUNCIL
Date of Meeting:	18 OCTOBER 2023
Report Title:	MAKING OF PORTHCAWL HARBOUR BYELAWS
Report Owner / Corporate Director:	CORPORATE DIRECTOR COMMUNITIES
Responsible Officer:	IEUAN SHERWOOD, GROUP MANAGER ECONOMY, NATURAL RESOURCES AND SUSTAINABILITY
Policy Framework and Procedure Rules:	There is no effect upon the Council's policy framework or procedure rules as a result of this report.
Executive Summary:	This report sets out the process undertaken to create new byelaws for Porthcawl Harbour and requests that Council makes the new byelaws.

1. Purpose of Report

- 1.1** The purpose of this report is to seek approval from Council to make new byelaws for Porthcawl Harbour in the form set out at **Appendix 2**.

2. Background

- 2.1** The Porthcawl Harbour is situated on the Bristol Channel, which is famous for its large tidal range and strong currents, making it a hazardous area to navigate. The Bristol Channel has a large amount of commercial activity and, very often, ships navigating their way up to Bristol Docks can be seen laden with containers, cars and raw materials for distribution across the UK.
- 2.2** Bridgend County Borough Council (BCBC) are granted powers to assist in the operation, maintenance and development of Porthcawl Harbour and must act in the capacity of the Harbour Authority under the provisions of Part V of the Mid Glamorgan County Council Act 1987 ("the 1987 Act"). The Council is identified as being the Harbour Authority with the undertakings associated with the Harbour being vested in the Council.
- 2.3** Porthcawl Harbour is home to the Royal National Lifeboat Institution's (RNLI) busiest inshore lifeboat station in Wales and consequently a very active branch of National Coastwatch Institute (NCI). Both charities are dedicated to working with BCBC to improve water safety across the coastline of Bridgend County Borough.
- 2.4** Porthcawl Harbour now attracts various groups of individuals, some visiting the site for social purposes to visit the commercial food and drink premises or to participate in a full range of coastal and water based activities. Activities include, but are not

limited to, fishing, sailing, powerboating, water skiing, stand up paddle boarding, open water swimming and kayaking.

- 2.5 Since opening the Marina in Porthcawl Harbour in 2013 the Marina has performed well in terms of generating income and has a healthy demand for moorings with a consistent waiting list.
- 2.6 The development of the Marina has supported increased interest in other regeneration and investment projects within the Harbour footprint including the sale of the Jennings Building which now accommodates 3 commercial premises and 14 live/work apartments. It was critical to the success of the Porthcawl Townscape Heritage Initiative (THI) bid for Heritage Lottery funding, to bring back into use key historic buildings in the Harbour Quarter, including the Look-out Tower and the Customs House. In addition, funding was secured by BCBC through the Tourism Attractor Destination (TAD) scheme led by Visit Wales. This funding, along with match funding from BCBC, has enabled the redevelopment of the Cosy Corner site, which is now complete.

3. Current situation / proposal

- 3.1 A byelaw is a local law which is made by a statutory body under an enabling power which is contained in an Act of Parliament or a Measure or Act of the National Assembly. Specific areas within the footprint of Porthcawl Harbour (as defined by the 1987 Act) are currently subject to byelaws that identify Public Bathing Places across Porthcawl. These byelaws were originally established in 1953 by the Urban District Council of Porthcawl and were subsequently updated by byelaws adopted by the Borough of Ogwr in 1984.
- 3.2 A process is set out in the Local Government Byelaws (Wales) Act 2012 (“the 2012 Act”) for making and revoking byelaws. The 2012 Act changed the procedure for confirmation of byelaws by Welsh Ministers and introduced an alternative procedure which removes the need for confirmation by Welsh Ministers for byelaws specified in the 2012 Act. Welsh Government has published statutory guidance on the 2012 Act (March 2015) and this document gives detailed guidance on the procedure to be followed when making byelaws under the 2012 Act. If, following the completion of the consultation process, an authority decides to make a byelaw, at least six weeks before that byelaw can be made the authority must publish notice of their intention to make the byelaw in one or more local newspapers and also on the authority’s website.
- 3.3 Under Section 6 and Schedule 1 of the 2012 Act any byelaw made by a local authority under an enactment listed under Part 1 of Schedule 1 does not require confirmation by Welsh Ministers. The 1987 Act is listed under Part 1 of Schedule 1 so BCBC can follow the procedure in the 2012 Act which does not require confirmation by Welsh Ministers to make byelaws at Porthcawl Harbour.
- 3.4 On 15 December 2020 a report was presented to Cabinet. In that report Cabinet were advised that, as a result of a recent review into Health and Safety at the Harbour, and also as a result of recent incidents reported in the area, officers considered that revisions were required to the existing byelaws. As a result of this report the Corporate Director Communities was authorised to undertake a consultation on new proposed draft byelaws.

- 3.5 A consultation process took place from 23rd August 2021 – 14th November 2021. The 2012 Act prescribes that prior to making a byelaw under Section 6 an authority must:
- a) Publish on the authority's website an initial written statement which describes the issue which the authority thinks may be addressed by making a byelaw; and
 - b) Consult any person (including, where applicable, a community council) who the authority thinks is likely to be interested in, or affected by, the issue.

The consultation was made available through the BCBC website. The consultation report is set out in **Appendix 1**.

- 3.6 Following the consultation process, and a review of the consultation report by the Harbour Board, a further report was presented to Cabinet and the proposed final byelaws were approved by Cabinet on 8th March 2022. Cabinet also agreed that the proposed final byelaws should be presented to Council for adoption.
- 3.7 In accordance with requirements of the 2012 Act, following the decision of Cabinet in March 2022 a second written statement containing copies of the first written statement, a copy of the report on the consultation, and a copy of the decision of cabinet and the reasons for it, was published on the Council's website. This second written statement has not led to any new issues being raised. In view of the fact that no issues have been raised following the decision of Cabinet in March 2022 and the publication of the second written statement, Council is requested to make the Byelaws for Regulating Porthcawl Harbour and Associated Waters in the form set out in **Appendix 2**.
- 3.8 A notice of the Council's intention to make the byelaws at this meeting of Council was advertised in the Glamorgan Gazette on the 31st August 2023.
- 3.9 The 2012 Act requires that byelaws must be made under the common seal of the Council and this report seeks the authority of Council to make the byelaws and affix the common seal.
- 3.10 Under the 2012 Act, once the byelaws are made the Council must:
- a) publish the byelaw on the authority's website
 - b) deposit a copy of the byelaw at a place in the authority's area
 - c) ensure that the copy is open to public inspection at all reasonable hours without payment
 - d) give a copy of the byelaw to a person who requests it (the authority may charge the person a reasonable fee)
 - e) send a copy of the byelaws to the proper officer of the council of every community to which the byelaw applies

4. Equality implications (including Socio-economic Duty and Welsh Language)

- 4.1 An initial Equality Impact Assessment (EIA) screening has identified that there would be no negative impact on those with one or more of the protected characteristics, on socio-economic disadvantage or the use of the Welsh Language. It is therefore not necessary to carry out a full EIA on this policy or proposal.

5. Well-being of Future Generations implications and connection to Corporate Well-being Objectives

5.1 The proposed Porthcawl Harbour Byelaws demonstrate the sustainable development principle by ensuring that by meeting the needs of the present they do not compromise the ability of future generations to meet their own needs. This is evidenced through the 5 ways of working as follows:

- Long-term: A consultation process has been undertaken to consider not only the current issues in the area but also those that are considered to be issues in the future and will seek to put in place a more fit for purpose situation.
- Prevention: The changing nature of the Harbour area and its users has highlighted a number of concerns which the process to revise the byelaws will seek to mitigate and manage.
- Integration: The consultation process to revise the byelaws was undertaken to ensure that their implementation integrates with current and future operations.
- Collaboration: The process for revising the byelaws will be undertaken through a partnership approach between BCBC and key stakeholders.
- Involvement: The process of revising byelaws and undertaking consultation will be that as set out in the Local Government Byelaws (Wales) Act 2012.

6. Climate Change Implications

6.1 There are no Climate Change implications arising from this report.

7. Safeguarding and Corporate Parent Implications

7.1 There are no safeguarding or corporate parent implications arising from this report.

8. Financial Implications

8.1 There are no financial implications as a result of the recommendations of this report.

9. Recommendations

9.1 It is recommended that Council:

- (1) Makes the byelaws in the form set out in **Appendix 2** and authorises the affixing of the Council's seal to the byelaws
- (2) Authorises the Corporate Director Communities to take all necessary steps to deal with the byelaws once made as described in paragraph 3.10 of the report.

Background documents

None