

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

8 MARCH 2022

REPORT OF THE CORPORATE DIRECTOR COMMUNITIES

PORHCRAWL HARBOUR BYELAWS

1. Purpose of report

- 1.1 The purpose of this report is to provide Cabinet with an update on the process to revise the byelaws that are currently effective at Porthcawl Harbour, to reflect the current operations and activities that take place, and the consultation on the proposed new byelaws, under the provisions of the Local Government Byelaws (Wales) Act 2012. The report seeks approval of the proposed new byelaws and requests that, subject to Cabinet approval, they be presented to Council for adoption.

2. Connection to corporate well-being objectives/other corporate priorities

- 2.1 This report assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015**:
- **Supporting a successful sustainable economy** – taking steps to make the county borough a great place to do business, for people to live, work, study and visit, and to ensure that our schools are focussed on raising the skills, qualifications and ambitions for all people in the county borough.
 - **Helping people and communities to be more healthy and resilient** - taking steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services. Supporting individuals and communities to build resilience, and enable them to develop solutions to have active, healthy and independent lives.
 - **Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

3. Background

- 3.1 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.
- 3.2 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.

- 3.3 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.
- 3.4 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.
- 3.5 Since opening the Marina in 2013 the Marina has performed well in terms of generating income and has a healthy demand for moorings with a consistent waiting list of around 50 people.
- 3.6 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.

4. Current situation/proposal

- 4.1 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 of Act of the National Assembly. Specific areas within the footprint of Porthcawl Harbour (as defined by the 1987 Act) are currently subject to local byelaws that identify Public Bathing Places across Porthcawl. These byelaws were established in 1953 by the Urban District Council of Porthcawl.
- 4.2 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.
- 4.3 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.

4.4 In December 2020 a report was presented to Cabinet. As a result of this report the Corporate Director Communities was authorised to undertake a consultation on the proposed draft byelaws that were appended to that report. Those proposed draft byelaws are set out in **Appendix 1**.

4.5 Since this time, officers have, in accordance with the 2012 Act, Section 6:

- Published 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
- Consulted any person who the authority thinks is likely to be interested in, or affected by, the issue.

4.6 A consultation process took place from 23rd August 2021 – 14th November 2021. The requirements set out by the 2012 Act require consultation with interested persons but the consultation was made available through the BCBC website. The consultation report is set out in **Appendix 2**.

4.7 Following the consultation process and a review of the consultation report by the Harbour Board, the proposed final byelaws for which Cabinet approval is sought are set out in **Appendix 3**.

4.8 If approved by Cabinet, the byelaws will need to be presented to Council for adoption.

5. Effect upon policy framework and procedure rules

5.1 There is no direct impact on the Council's policy framework and procedure rules.

6. Equality Act 2010 implications

6.1 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 at this stage.

7. Well-being of Future Generations (Wales) Act 2015 implications

7.1 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 Local Government Byelaws (Wales) Act 2012.

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 Cabinet:

9.1.1 Note a consultation process, under the provisions of the Local Government Byelaws (Wales) Act 2012, has been undertaken and the consultation report is set out in **Appendix 2**;

9.1.2 approve the proposed byelaws as set out in **Appendix 3**, and;

9.1.3 agree that the proposed byelaws, as set out in **Appendix 3**, be presented to Council for adoption.

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Background documents:
None.