

PORTHCAWL HARBOUR BYELAWS

Initial Written Statement under the Local Government Byelaws(Wales)Act 2012

Date of issue: Monday 23 August

Action required: Responses by Friday 14 November

Web: www.bridgend.gov.uk/consultation

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Overview

This consultation is to invite views on the issues arising at Porthcawl Harbour and whether the adoption of new byelaws at Porthcawl Harbour and the revision of the byelaws which are currently effective at Porthcawl Harbour, to reflect the current operations and activities that take place is the best way for the Council to proceed.

Data protection

How we use the views and information you share with us.

All responses received by Bridgend County Borough Council will be seen in full by its staff members involved in the consultation process. The information may also be seen by other departments within the council or local service board members to help improve upon the services provided.

The council may also use the information gathered to publish subsequent documents both directly and indirectly linked to this consultation, however the council will never disclose any personal information such as names or addresses that could identify an individual.

If you do not wish for your opinions to be publicised, please state so in your response.

Background and information

- 1.1 Bridgend County Borough Council (“the Council”) are granted powers to assist in the operation, maintenance and development of Porthcawl Harbour (“the 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 area of the Harbour is shown red on the attached plan. The council is identified as being the Harbour Authority with the undertakings associated with the Harbour being vested in the council.
- 1.2 The 1987 Act provides powers to the council to deal with moorings at the Harbour.

- 1.3 The 1987 Act also enables the council to make byelaws to regulate various matters at the Harbour.
- 1.4 Specific areas within the footprint of the Harbour are currently subject to local byelaws that identify bathing places across Porthcawl. These byelaws were established in 1953 by the (then) Urban District Council of Porthcawl.

Issues and Consultation

- 1.5 The council has invested in the Harbour and successfully developed the historic harbour into a community space that accommodates a range of activities and can be enjoyed by all.
- 1.6 The capital development of Porthcawl Marina was completed in 2013. The Marina is situated within the footprint of Porthcawl Harbour that extends beyond the confines of the Marina basin including areas of Cosy Corner, the breakwater and lighthouse and more.
- 1.7 As a result of this development project, Porthcawl Marina now has a range of additional features including a tidal lock gate and a pontoon access system that provides 70 berths for berth holders, visitors and commercial operators.
- 1.8 Porthcawl Harbour now attracts various groups of individuals. Some visit the site for social purposes, as customers of 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.
- 1.9 It has become increasingly apparent that the council's existing powers under the 1987 Act are not sufficient to cater for and control the Harbour and the current operations at the Harbour. A Health and Safety Report commissioned by the council to review the Harbour and the operations which take place there was completed in June 2019. The report identified issues at the Harbour. The 1953 byelaws so far as they relate to the Harbour potentially compromise the council by designating the area alongside the slipway as a safe bathing water

area. The report recommended that the byelaws be reviewed and updated to reflect the current operations at the Harbour.

- 1.10 Since 2013 the Harbour has evolved from a site having 25 moorings and infrequent foot traffic to a site that has 70 moorings attracting visiting vessels, 3 commercial premises and 14 apartments within the Jennings Building and a significant amount of footfall during the peak periods of the year.
- 1.11 The council's staff who work at the Harbour keep a daily log of the activity taking place and any issues which arise. Having monitored activity since 2013 it is evident that there are a number of reoccurring issues encountered by council staff that show no signs of decline without the ability to take action. Examples include anti-social behaviour, swimming in marina entrance channel whilst vessels are moving and unauthorised/inappropriate parking.
- 1.12 The current powers the council has to control and operate the Harbour are not sufficient to deal with the activity at the Harbour and the issues which the council has to address there.
- 1.13 In view of the powers in existence under the 1987 Act which allow the council to make byelaws covering a comprehensive range of issues which relate to the Harbour and to the need to partially revoke the existing byelaws, it seems to the council that the best way forward to introduce the regulation the Harbour requires is to make byelaws. The contravention of a byelaw is an offence liable on a summary conviction to a fine.
- 1.14 Under the provisions of the Local Government (Byelaws) Wales Act 2012 the council is required to consult with interested persons and organisations prior to making byelaws.

The byelaws would cover the following issues:-

- Berthing
- Navigation
- Fishing
- Parking

- Bathing and diving
- Lock gates
- Slipway
- Shoreline restrictions
- Waste
- Safety
- Security
- Penalties

The Council is committed to involving our residents in the decisions that affect them. We want to find out whether you have experienced any problems in your use of the Harbour.

Impact Assessments

Equality Impact Assessment

It is considered that no negative impacts will be created as a result of this consultation as the consultation is seeking views on the best way forward for dealing with the issues at the Harbour and the results of the consultation will be reported back to the Council's Cabinet for consideration.

Well-being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 Assessment Template has been completed and a summary of the implications from the assessment relating to the five ways of working is below:

- Long-term: The process as outlined will be undertaken to ensure a consultation process considers 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 on what the best solution is to the issues at the Harbour and whether new byelaws should be adopted will be undertaken to ensure that the approach agreed on integrates with current and future operations
- Collaboration: The process will be undertaken through a partnership approach between BCBC and key stakeholders.
- Involvement: The process of undertaking consultation will be that as set out Local Government Byelaws (Wales) Act 2012.

The consultation process

The consultation process will begin on Monday 23 August and be completed by Friday 14 November. The outcomes will be reported to Cabinet in Friday 10 December.

Please note that responses to consultation will not be counted as objections.

Objections can only be registered during the public notice period.