

## Education and Economy Scrutiny Committee Report

<b>Date of meeting:</b>	9 November 2023
<b>Cabinet Member:</b>	Councillor Nia Jeffreys
<b>Contact Officer(s):</b>	Llŷr B Jones, Assistant Head, Economy and Community Department Bryn Prichard-Jones, Maritime Service Manager
<b>Department / Service:</b>	Maritime Service, Economy and Community Department

### 1. TITLE OF ITEM

Gwynedd Beach Management

### 2. WHY IT NEEDS TO BE SCRUTINISED

- The matter is included on the Economy and Community Department's risk register. The main risk is people's safety in the sea where there may be dangers to life, together with dangers from structures and objects on the beach.
- The arrangements for the management of beaches, specific management where there is a higher safety risk could be scrutinised.

### 3. BACKGROUND

3.1 Beach management in itself is not a statutory function for local authorities in Wales.

3.2 Uncertainty about the legal responsibilities of beach management was highlighted in a report to the Maritime and Coastguard Agency in 2019 "Review of the legal responsibility for beach safety", which is available here

<https://www.gov.uk/government/publications/review-of-the-legal-responsibility-for-beach-safety>. The report states that the legal framework for safety on the foreshore is unclear with various duties which are not aligned. The possibility of a legal *lacuna* in terms of responsibilities in the field is also noted, leaving organisations or local authorities with land adjoining the foreshore to operate to a large extent on a moral or social responsibility, rather than a legal requirement.

3.3 Nevertheless, Cyngor Gwynedd's beach management arrangements are provided by the Maritime Service, Economy and Community Department. Beach management arrangements and responsibilities can vary according to location, depending on the characteristics and specific factors of the location. There is also a range of other responsibilities involved with land ownership and management issues which mean that the Council has a responsibility towards those using public facilities and land. These main responsibilities include:

- a) Beaches owned by Cyngor Gwynedd: the Council has responsibilities for lands or sites in its ownership or management. By owning land or beach for public use, the Council has an obligation to ensure that the health and safety of beach users is effectively considered and managed, safely assessing and managing risks as far as practicable.

- b) Coastal Lease with Crown Estate: The Council is also responsible for managing a large part of the county's foreshores which are subject to leases with the Crown Estate. Many of the leases have come to the end of their lifetime, but remain on a 'carry-over' arrangement.
- c) Beach Byelaws - Byelaws enable local authorities to respond to concerns or problems on specific beaches. Byelaws are required to be ratified by a Secretary of State, and the main byelaws in Gwynedd include:
- Beach Byelaws prepared by Dwyfor District Council dated 8th January 1990
  - Beach Byelaws prepared by Meirionnydd District Council dated 1st May 1986
  - Promenade (Barmouth and Towyn) Byelaws made by Meirionnydd District Council dated 1st May 1986
  - The Seaside Pleasure Boat Byelaws prepared by Dwyfor District Council dated 28th November 1978 (including the beaches of Morfa Bychan, Cricieth, Abererch, Pwllheli, Llanbedrog, Abersoch, Aberdaron, Porth Oer, Porth Dinllaen, Nefyn, Trefor and Aberdesach.
  - Pwllheli Harbour Byelaws prepared by Dwyfor District Council dated 2nd January 1980
  - Aberdyfi and Barmouth Harbours Byelaws prepared by Meirionnydd District Council dated November 1986

Gwynedd Council is responsible for implementing and managing the above Byelaws.

ch) Bathing Water Direction - Detailed information on the quality and profile of bathing water is required to be publicly available at all designated bathing water sites. Each local authority that manages bathing waters must display the bathing waters classification given to it by Natural Resources Wales. In some sites it is also required that the Council provide information to warn users if poor bathing water instability is anticipated.

- d) Protection of Public Places (Control of Dogs) Order - The Public Space Protection Order 2021 relates to:
- Failing to clear or pick up dog faeces (Land fouling by dogs Order)
  - Permitting a dog to enter land from which dogs are excluded (Dog prohibition order)
  - Failing to put a dog on a lead, and keep a dog on a lead when the person is asked to do so by an authorised officer (Dogs on Lead by Direction Order).

The chief officers of the Maritime Service are authorised to issue penalty fines to offenders.

#### **4. BEACH MANAGEMENT ARRANGEMENTS IN GWYNEDD**

- 4.1 The Gwynedd coast is the longest among local authorities in Wales, and has a number and variety of beaches. The coastline is a dynamic environment that attracts a significant number of users and visitors each year.
- 4.2 Current beach management can be summed up in three main intertwining aspects, which are considered in turn:
- A. Risk Assessments and risk mitigation measures
  - B. Registration and management of activities
  - C. Promoting beach safety and information

**A : Risk Assessments and risk mitigation measures**

- 4.3 The Maritime Service prepares a specific Risk Assessment for each beach under its management or ownership. The Risk Assessments incorporate information on the main features of the beaches, hazard information, type of associated risks, along with relevant and practical measures for mitigating the risks.
- 4.4 When trying to identify and consider arrangements for different types of beaches, there are a number of considerations that influence different aspects of responsibility, the level of risks and the intensity of management measures for specific locations. Examples of factors that vary from location to location include Cyngor Gwynedd's responsibilities for the site (land ownership / management), the number of users visiting the beach; the range of different users and activities on the beach; and access features and launching facilities.
- 4.5 Operational arrangements for beach management are based on risk mitigation measures that have been identified within the Risk Assessments. The Maritime Service will appoint around 40 seasonal beach wardens to assist with the implementation of safety measures and beach management arrangements. The duties of wardens and the range of security measures are very broad, and include:
- Providing advice and information to beach users about local risks and informing them of weather and tidal information.
  - Provision of leaflets, safety signs and noticeboards (safety signs on our beaches are prepared in conjunction with the RNLI)
  - Locating beach buoys on beaches with specific launch areas and prohibited areas or areas where power outages have a speed restriction.
  - Providing a first aid service for minor injuries and calling for assistance from emergency services as required.
  - Supervising vehicle movement and control vehicular access to beaches by locking barriers (if applicable to the location).
  - Conducting regular patrols to supervise activities on the beach.
  - Supervising water activities and enforcing navigation rules by patrolling main beaches with the Service's patrol boat or personal watercrafts.
  - Ensuring beach activities comply with byelaws, or other regulations (including dog prohibition zone)
  - Maintaining and inspecting beach safety equipment (including lifebuoys and emergency phones)
  - Clearing entrances and slipways to ensure accessible access to users

- Carrying out any maintenance as necessary
- 4.6 Beach wardens will also assist with the Service's arrangements for registering activities on the beaches.

**B: Registration and management of activities**

- 4.7 All power boats or personal watercrafts (jet-ski) must be registered with Cyngor Gwynedd before using or crossing a section of the coast owned, or controlled by, Cyngor Gwynedd. Before registering or renewing a permit, applicants must read and sign receipt of 'Vessel / powerboat rules in ports and on the Gwynedd coast'; and confirm that the vessel is insured up to £3 million third party. There is a daily fee for launching from Gwynedd's beaches or public slipways. As an alternative it is possible to purchase an annual launch permit (which includes a registration fee) which allows launching without paying the daily launch fee.
- 4.8 A copy of the Gwynedd vessel / powerboat Rules is included as Appendix 1.
- 4.9 In addition, the Service has established arrangements for the management of activities on the coast including
- Requests for hosting events - Event organisers wishing to use a beach (or part of the coastline) are asked to contact the Maritime Service to consider event requests. The Service will be required to consider safety arrangements and other amenities and users before a land use permit can be released. For events where more than 500 are expected to be in attendance, the Service will strongly encourage organisers to register the event with the Gwynedd Health and Safety Group (SAG).
  - Requests from TV companies to film on beaches - companies are asked to submit such requests to the Maritime Service. Such requests often provide an opportunity to raise the profile of the area but will also require consideration of the safety arrangements and amenity of residents and other users.
  - Beach Cleaning Arrangements - as part of their duties, Beach Officers, including Seasonal Wardens, collect rubbish daily off designated beaches during the main summer season. The Service conducts an annual review with the Municipal Department and agrees the arrangements and cost of the litter bin and recycle bin emptying service provided for the bathing season. The bin emptying period starts on the 1st of April to the 30th of September. Beaches do not receive a cleaning service during the winter months. The service's chief officers are authorised to introduce penalty fines for individuals who fail to dispose of their rubbish or fly-tip.
  - Responding to incidents of pollution - the service has arrangements in hand for responding to pollution. The service has proper provision to respond to suspicious palm oil and container cases, and the service's chief officers have been properly trained to handle such cases. A number of cases arise where the public reports that an animal has died or is on the coast. The service aims to dispose of the body within a reasonable period of time if it is possible to access the animal. The Service also works with specialist organisations to deal with any live animals found injured on a beach.
  - Commercial Concessions – the Maritime Service advertises and invites commercial concession proposals or considers individual applications by consulting on individual applications with the Local Member and the local Community/Town Council. A

concession includes plots of land on a number of beaches. Where appropriate, the tender for the concession will be advertised every 5 years.

- Inclement Weather – the Service responds as required in cases where the weather forecast is extreme. Arrangements are in place to close and erect high tide barriers at several beaches along the coast and arrangements are in place to prevent public access to beaches in the event of a concern for user safety.
- Memorial Benches – the service receives a large number of applications annually for the placement of memorial benches on beaches. A number of agreements are already in place to locate and maintain memorial benches.
- Volunteers - the service works closely with volunteers across the county to carry out beach clean-ups. The Council lends rubbish collection equipment and disposes of all material collected by volunteers.
- Collaborate with outside companies / organisations - The service collaborates with beach owners to mitigate risks. The Service locates speed zone buoys and launch areas on the sites and a fee is charged for this provision.

### **C : Gwynedd Beaches Safety Campaign**

4.10 In recent years, the Council has also developed a dedicated campaign to raise awareness of coastal dangers and promote safe and responsible behaviour.

4.11 The campaign is based on raising awareness of coastal dangers, and include main messages that could reduce a large number of accidents on the Gwynedd coast.

#### ***MAIN MESSAGES***

- ***Prepare and make a plan - look at the weather forecast, tide times and read local signs and warnings***
- ***Keep a close eye on your family - on the beach and in the water***
- ***Do not allow a member of your family to swim or bathe alone***
- ***Do not use inflation equipment without anchoring a safety cord on the shore. Wear a buoyancy aid if you are not a strong swimmer***
- ***Do not swim or venture to the sea if a red flag or any other sign advising against swimming is displayed. Always take notice of local signs and warnings***
- ***In an emergency, call 999 and ask for the Coastguard***

4.12 The Gwynedd Beaches Safety Campaign consists of 4 work packages, namely

- i) Communication and general awareness raising (including social media, press releases, beach wardens in action videos)
- ii) Communicate safety messages at specific sites/beaches (including beach information sheets)
- iii) Tourism messaging / marketing working with the Tourism Unit and sharing coastal safe enjoyment messages via the Snowdonia Mountains and Coast platform)
- iv) Provide information and raise awareness within the business community (including sharing information using networks and connections with local businesses.

4.13 As part of the communication and awareness-raising workstream, the Maritime Service has collaborated with the Corporate Communications Unit on a plan to create coastal characters including a dolphin, starfish and octopus. These characters have bespoke

costumes, and Service staff visit local schools, and arrange beach attendance to promote beach safety among children and families.

## 5. BEACH MANAGEMENT BUDGETS

5.1 In recent years, there have been significant changes in Maritime Service Beach Management budgets. This reflects tremendous pressure on the Council's budgets, and the Service's response to identifying and implementing efficiency savings.

5.2 Table 1 below shows a summary of beach management budgets for the period 2016/7 to 2023/24.

Table 1: Summary of Beach Management Budgets, Maritime Service

	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>	<b>2023/24</b>
Employees	£149,020	£148,140	£157,920	£164,540	£170,250	£175,030	£245,420	£349,760
Property	£40,660	£36,770	£39,400	£40,520	£41,200	£41,770	£43,200	£46,910
Transport	£24,350	£17,800	£17,160	£18,160	£18,580	£18,330	£20,740	£23,460
Supplies	£12,010	£22,820	£34,290	£35,220	£29,460	£29,870	£113,290	£77,480
Internal Refund	£112,260	£112,920	£109,640	£112,630	£115,010	£116,500	£120,560	£129,620
<b>Total Expenditure</b>	<b>£338,300</b>	<b>£338,450</b>	<b>£358,410</b>	<b>£371,070</b>	<b>£374,500</b>	<b>£381,500</b>	<b>£543,210</b>	<b>£627,230</b>
<b>Income</b>	<b>£200,380</b>	<b>-£210,160</b>	<b>-£216,800</b>	<b>-£280,960</b>	<b>-£325,930</b>	<b>-£326,030</b>	<b>-£470,660</b>	<b>-£580,020</b>
<b>Net Total</b>	<b>£137,920</b>	<b>£128,290</b>	<b>£141,610</b>	<b>£90,110</b>	<b>£48,570</b>	<b>£55,470</b>	<b>£72,550</b>	<b>£47,210</b>

5.3 Key changes during the period include:

- Net budget (the cost to the Council) has reduced from £137,920 in 2016/17 to £47,210 in 2023/24
- The Service's income target has increased from £200,380 in 2016/7 to £580,020 during 2023/24. This has meant increasing fees including registration fees, launch fees and beach entry/parking fees such as Morfa Bychan and Abersoch; and includes beach concessions (such as selling ice cream),
- The budget for employee costs has increased for 2022/23 and 2023/24 due to increased business on the coast. This has meant increasing the number of beach staff and wardens and extending the employment period of seasonal staff.

5.4 It is important to note that despite the increased income generated by the Service, this income is committed to address the budget and the Council's financial strategy; rather than being resources available to the Service.

5.5 Beach management budgets are considered extremely tight, and dependent on meeting a challenging income target. Nevertheless, the Service has sought to identify opportunities to increase income and thereby contribute to reducing net expenditure while protecting onshore provisions and services.

## 6. MANAGEMENT DATA AND PERFORMANCE MANAGEMENT

6.1 In recent years the Maritime Service has identified and collects management and performance management data. Data relevant to beach management functions include:

	<b>Data / Measures</b>	2021/22	2022/23	2023/24
i	Number of registered Powerboats / Personal Watercraft	1,680	2,434	2,509
ii	Gwynedd Beaches Customer Satisfaction % ('Satisfactory' 'Good' or 'Very good')	-	-	75%
iii	First Aid Incidents	180	197	85
iv	Number of Lost Children	59	95	35
v	Number of serious accidents	4	2	3
vi	Number of fatal accidents	2	0	0
vii	Number of accidents dealt with by staff	41	26	42

6.2 During this year, the Maritime Service put in place arrangements for collecting feedback and comments about the beach management service. QR signs have been installed at locations at each beach where feedback can be submitted about the quality of provision. The information used during the first year is useful and it is intended to build on these arrangements in the future.

6.3 Customer satisfaction percentage for 2023 included Very Good (59%), Good (16%), Satisfactory (12%), Poor (7%), Very Poor (5%) and No response (1%). Positive comments were received about beach wardens, beach safety and in particular effective management of power boats, accessibility, cleanliness and bathing water quality. In terms of comments from users who were not satisfied, it was noted that dogs on beaches were problematic, that there was a lack of litter bin provision at some sites and that the cleanliness quality and condition of some public toilets needed to be improved.

## **7 MAIN OPPORTUNITIES AND ISSUES FOR THE FUTURE**

7.1 Recent years have seen changes in circumstances (including COVID) and an increase in how busy the beaches and coast have been and the service has sought to respond positively to these changes. There is an ambition to seek continuous improvements despite the financial climate currently facing local authorities. The following have been identified as opportunities or issues needing further attention during the period 2023 - 2028:

a) Crown Foreshore Lease

The majority of foreshore leases across the County are now coming to the end of their period, but remain on a 'carry-over' arrangement. It is considered that there is an

opportunity to review and update the existing agreements and consider a county comprehensive agreement with the Crown Estate

b) Further Development of Beach Safety Campaigns

Important steps have been made over the past two years establishing Gwynedd's beach safety campaign programme. It is considered that there is an opportunity to build on this, extending and developing the campaign over the next few years.

c) Consider the provision of Lifeguards in specific locations

The Council does not currently organise lifeguard provision, and it is hoped that there will be an opportunity to consider future opportunities particularly for locations such as Barmouth and Tywyn. One model could be to commission the RNLI to provide such a service by agreement. Local authorities commissioning the provision will usually pay a fee for doing so, which could be between £20k and £30k per beach (depending on the period covered, hours, number of staff etc). The concept of a Tourism Tax has come up recently, and such an arrangement might be a means of identifying additional budgets to extend existing provision. Here in Gwynedd, a Tourism Group has recently been set up to consider potential opportunities and priorities attached to such a tax.

d) Blue Flag Beach Awards

Blue Flags awards guidance now states that an independent assessment is required to consider lifeguard provision, and in this regard the Council's risk assessments no longer apply.

Recent changes to the Blue Flag Awards guidance have been the subject of discussion with other North West Wales local authorities. Concerns were highlighted that increased requirements were expensive, onerous and contrary to established management arrangements, and therefore it was decided that Cyngor Gwynedd, Anglesey Council and Conwy Council will not submit applications this year. Cyngor Gwynedd has not celebrated Blue Flag Awards in three out of the last four years, and despite that, our beaches have been about as busy as they have ever been. In line with other trends within the visitor economy, we may be paying more attention to raising awareness and promoting safe and responsible coastal behaviour rather than traditional marketing activity.

e) Gwynedd Beach Byelaws

As can be seen from part 2.3 of the report, a large part of Gwynedd's beach Byelaws date back to the 1980s. It is considered that there would be an opportunity for reviewing and updating relevant Byelaws to ensure they are up to date and fit for purpose for managing activities on our beaches. It is envisaged that this would be significant work and would require a dedicated and additional resource for undertaking the task. We have seen an increase in new technology being used on the coast in recent years, such as the use of drones, hovercrafts and hydrofoiling and there is currently no corporate policy in place in terms of managing their use on Council land.



f) Access and Equality

The Service will be undertaking an Equalities Assessment in respect of access to beaches, and consider opportunities to improve and extend facilities. For the 2024 season, we intend to provide specialist wheelchairs at some some beaches and preparatory work being undertaken.

ff) Visitor Economy Plan

Gwynedd beaches attract thousands of users and visitors each year and contributes to economic activity locally. The beaches were identified as important assets in a number of coastal areas during the Our Area 2035 work, and could contribute to new Gwynedd Visitor Economy Plan. It is also hoped that beach facilities could form part of local destination plans

## **8 CLOSE AND RECOMMEDATIONS**

- 8.1 The coast is an important part of life in Gwynedd, and offers important resources for recreational use, supporting the local economy, improving the well-being of Gwynedd residents who have and are contributing to the history, culture and identity of coastal communities.
- 8.2 Gwynedd's coastline stretches approximately 300km and offers resources and facilities that attract thousands of users and visitors each year. 'Beach management' functions are also very complex and extensive, with individual beach characteristics varying from location to location.
- 8.3 Cyngor Gwynedd provides beach management functions via the Maritime Service. The report outlines the main arrangements of the Service, which have been developed to provide public and safe access to beaches and coastal resources, for local residents and visitors thereby facilitating activities to boost the local economy and contribute to the well-being of our communities.
- 8.4 Recommendation
- (i) The Education and Economy Scrutiny Committee is invited to scrutinise the beach management arrangement in Gwynedd.

### **APPENDICES:**

Appendix 1: Gwynedd power vessel/powerboat regulations