Cyngor Tref Trallwng Welshpool Town Council

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1. Purpose

1. The purpose of this report is to seek Council approval to commence the process of making new byelaws under the Local Government Byelaws (Wales) Act 2012.
2. The new byelaws will:
    1. Replace existing byelaws made under Section 164 of the Public Health Act 1875 and Sections 12 and 15 of the Open Spaces Act 1906 relating to open spaces.
    2. Introduce new byelaws for the regulation of indoor and outdoor markets under Section 60 of the Food Act 1984.
    3. Introduce new byelaws for off-street parking places controlled by the Council under Section 57(7) of the Road Traffic Regulation Act 1984.
    4. Introduce new byelaws to regulate the conduct of persons in toilets under Section 117 of the Public Health (Wales) Act 2017.

2. Background

1. Welshpool Town Council currently has byelaws in force relating to open spaces made under the Public Health Act 1875 and Open Spaces Act 1906. These byelaws are outdated and require replacement to reflect current needs.
2. The Council operates indoor and outdoor markets. Regulation is currently through trader agreements and informal management, but byelaws under Section 60 of the Food Act 1984 will provide a clear legal basis for preventing nuisances, ensuring fair trading, and maintaining safety.
3. The Council also manages a number of public car parks (Maes y Dre, Motte and Bailey, rear of Town Hall, Ann Holloway Centre). Byelaws made under Section 57(7) of the Road Traffic Regulation Act 1984 would provide enforceable rules on use of parking places, including charges, misuse, and prevention of obstruction.
4. The Council is also responsible for public conveniences. Section 117 of the Public Health (Wales) Act 2017 gives power to make byelaws regulating the conduct of persons using toilets. Byelaws would enable the Council to tackle issues such as vandalism, misuse, and inappropriate behaviour.

5. Schedule 1 of the Local Government Byelaws (Wales) Act 2012 confirms that community councils may make byelaws in relation to these subject areas. Market, open space and toilet byelaws do not require confirmation by the Welsh Ministers, whereas parking byelaws under the 1984 Act must follow a confirmation process.

3. Advice

1. The Town Clerk advises new byelaws are neccessary to:
    1. Modernise outdated open space byelaws.
    2. Provide enforceable rules to support safe and fair operation of markets.
    3. Introduce enforceable regulations for Council-managed car parks.
    4. Protect and regulate the use of public toilets against nuisance and misuse.
2. The new byelaws will improve the Council's ability to manage its services and facilities for the benefit of residents, traders, and visitors. They will also allow proportionate enforcement through Fixed Penalty Notices (FPNs) where permitted.
3. The statutory process requires the Council to publish Initial Written Statements, conduct a 12-week consultation, then publish Second Written Statements summarising responses. A Notice of Intention will then be published before the byelaws are formally adopted (and, in the case of parking, confirmed).

4. Resource & Legal Implications

1. Costs will arise from public notices, printing, and officer time. These can be met from existing budgets.
2. Any FPN income must be used for enforcement and nuisance prevention, as required by Section 15 of the 2012 Act - this will be covered by a seperate Statutory Enforcement Policy which will be adopted by Council if Council decides to pursue adoption of byelaws at the end of the process.
3. The Council has the legal power to make byelaws under:
    1. Section 164 of the Public Health Act 1875 and Sections 12 & 15 of the Open Spaces Act 1906
    2. Section 60 of the Food Act 1984
    3. Section 57(7) of the Road Traffic Regulation Act 1984
    4. Section 117 of the Public Health (Wales) Act 2017
4. The procedure is governed by the Local Government Byelaws (Wales) Act 2012 and the statutory guidance issued by Welsh Ministers.
5. Only Full Council has the power to begin this process and it cannot be delegated to a committee, therefore Operations & Development Committee is asked to recommend this to Full Council.

5. Recommendation

1. That Welshpool Town Council:
    1. Approves the commencement of the process to make new byelaws as set out in this report.

2. Authorises the Town Clerk to publish, and if appropriate, make minor amendments to the below Initial Written Statements for open spaces, markets, parking, and public toilets, and to undertake a 12-week consultation in line with the Welsh Government Statutory Guidance on the 2012 Act.
3. Notes that further reports will be brought to Council at subsequent stages of the statutory process, including the publication of draft byelaws and the issuing of Notices of Intention.

6. Decision

1. To resolve to adopt the recommendations as above.

INITIAL WRITTEN STATEMENT - OPEN SPACES

Welshpool Town Council proposes to replace its outdated open spaces byelaws made under Section 164 of the Public Health Act 1875 and Sections 12 and 15 of the Open Spaces Act 1906. The existing provisions are limited and do not cover all land currently managed by the Council, including Powis Lower Park. They also do not address modern environmental and public order concerns.

The proposed byelaws would extend regulation to all relevant open spaces and provide powers to deal with issues such as the release of Chinese sky lanterns and balloons, as well as potentially problems arising from uncontrolled dogs (but not fouling, which is separately regulated). This would help protect the environment, preserve public enjoyment, and promote responsible behaviour in Welshpool's parks and open areas.

INITIAL WRITTEN STATEMENT - MARKETS

Welshpool Town Council proposes to make new byelaws under Section 60 of the Food Act 1984 to regulate its indoor and outdoor markets. At present, the markets are managed largely through trader agreements which creates limits the Council's ability to enforce. In particular, Broad Street becomes an issue on outdoor market days, as Powys County Council does not enforce parking restrictions during those times, leading to lack of spaces for traders.

The new byelaws would provide a clear legal basis to regulate trader conduct, control the allocation of pitches, ensure cleanliness, and manage vehicle access. They would also allow enforcement action, including Fixed Penalty Notices, to be taken where necessary, creating a safer and more orderly environment for traders, residents, and visitors.

INITIAL WRITTEN STATEMENT - PARKING

Welshpool Town Council proposes to make byelaws under Section 57(7) of the Road Traffic Regulation Act 1984 for the regulation of parking places at Maes y Dre, Motte and Bailey, the rear of the Town Hall, and the Ann Holloway Centre. These car parks have grown into public parking areas but currently operate without any enforceable rules.

The proposed byelaws would create a clear framework for how these car parks are used, supporting the introduction or enforcement of charges if required in the future, and giving the Council the legal "teeth" to act against unauthorised or unsafe use. This would improve and protect the Council's assets.

INITIAL WRITTEN STATEMENT - TOILETS

Welshpool Town Council proposes to make byelaws under Section 117 of the Public Health (Wales) Act 2017 to regulate the conduct of persons using public toilets. The Council has faced ongoing issues with vandalism, graffiti, and misuse of its facilities. While such matters are criminal offences, the Police have often been unable to prioritise them, leaving the Council with limited enforcement options.

The new byelaws would enable the Council to act directly against those who damage or misuse toilets, setting out clear rules of conduct and providing the ability to prosecute offenders via Fixed Penalty Notices or via the Magistrates' Court. This would help reduce vandalism, protect facilities, and ensure that public conveniences remain safe and accessible for all users.