

 Executive Committee – 13 July 2011		Agenda Item No. 4
Title	Open Water Safety	
For further information about this report please contact	Rose Winship: 456223 rose.winship@warwickdc.gov.uk Chris Hastie: 456219 chris.hastie@warwickdc.gov.uk	
Wards of the District directly affected	District Wide	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006	No	
Date and meeting when issue was last considered and relevant minute number		
Background Papers	Managing the risk around water bodies	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If Yes, include reference number)	Yes
Equality & Sustainability Impact Assessment Undertaken	Yes

Officer / Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	16th June 2011	Andrew Jones
Head of Service	16th June 2011	Rose WInship
CMT	16th June 2011	Click here to enter text.
Section 151 Officer	16th June 2011	Mike SNow
Monitoring Officer	16th June 2011	Andrew Jones
Finance	16th June 2011	Mike SNow
Portfolio Holder(s)	16th June 2011	Cllr Sue Gallagher
Consultation & Community Engagement		
Health and Safety Advisor; Insurance Officer		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		

1 **SUMMARY**

- 1.1 Proposals are outlined for a structured approach to assessing and managing the risk arising from areas of open waters within the Council's land.

2 **RECOMMENDATION(S)**

- 2.1 Members endorse the approach being taken to risk management around open water, described in the attached document "Managing the risk around water bodies".

3 **REASONS FOR THE RECOMMENDATIONS**

- 3.1 The Council has a general duty to take reasonable steps to ensure the safety of visitors to its land. A range of risk management procedures are in place to facilitate the discharge of this duty.
- 3.2 The document "Managing the risk around water bodies" has been produced to provide clear guidance to officers carrying out risk assessments around open water, thereby helping to ensure consistency in the approach taken across multiple sites.
- 3.3 Risk management of this nature is generally an operational decision that is dealt with by officers as part of the day to day management of parks and open spaces. This document is being brought before members because the issue has been highlighted by a fatality on a stretch of the River Avon in late 2010. As a result of the inquest into this unfortunate death the Coroner wrote to the Council requesting clarification of the Council's approach.

4 **POLICY FRAMEWORK**

- 4.1 This report has no wider policy implications.

5 **BUDGETARY FRAMEWORK**

- 5.1 The proposals in this report formalise an existing approach. Any changes are minor and can be contained within existing operational budgets.

6 **ALTERNATIVE OPTION(S) CONSIDERED**

- 6.1 Failure to adequately manage visitor safety would expose the Council to significant legal, reputational and financial risk.

7 **BACKGROUND**

- 7.1 In order to discharge its general duty of care to visitors to its land, the Council has a number of different procedures in place to manage the risk from different hazards. Acknowledging that these processes were disparate and not always well documented, work was begun in early 2010 to review and document these processes.
- 7.2 As a result of that review it was established that almost all higher risk hazards within parks and open spaces were being actively risk assessed and the risks managed in a structured way.
- 7.3 Open water was identified as a key hazard with higher levels of risk. Whilst some ad hoc risk management was taking place, there was no clear guidance available to officers on this.

- 7.4 The approach taken to managing the risk from open water has been to incorporate it into routine risk assessments of parks and open spaces.
- 7.5 To ensure the proportionate allocation of resources, a system has been devised to prioritise parks' risk assessments based on a combination of the existence of specific hazards within parks, and the level of use of those parks.
- 7.6 Within this system, the existence of open water results in a higher priority. Higher priority sites are inspected more frequently, and will be assessed against the guidelines in "Managing the risk around water bodies" first.
- 7.7 "Managing the risk around water bodies" sets out clear guidance for officers carrying out risk assessments. It is expected that this will result in an approach to managing the risk from open water that is consistent across sites, proportionate and defensible.
- 7.8 Sadly, whilst this document was in preparation there was a death on the River Avon at St Nicholas Park. Following the inquest into that death, the Coroner wrote to the Council questioning whether there should be 'flotation devices' installed at St Nicholas Park. This document sets out clear parameters against which the question of installing Personal Rescue Equipment will be judged. Given the attention focused on this issue it is appropriate for members to consider the document "Managing the risk around water bodies".