

APPENDIX 3

LEEDS CITY COUNCIL

POLICY ON THE SAFETY MANAGEMENT OF OPEN WATER (Reservoirs, Rivers, Lakes, Ponds and Pools) UNDER THE CONTROL OF LEEDS CITY COUNCIL

INTRODUCTION

The City Council has many sites where there is open water, including water features in recreational sites and facilities for the management of land drainage, to which the public also have access. Still waters range from a surface area of hundreds of square meters to some several hectares whilst rivers and canals pass through the city, these waters are associated with kilometres of public footpaths.

Most of the sites are unattended by staff although most are visited for operational purposes

The sites of open water, visited most frequently by the public are in parks.

Areas of open water particularly in areas where the public are either encouraged to visit and / or can be present in large numbers, can create a danger to any person walking or playing alongside them.

The main risks associated with the hazard are:

- Drowning through immersion.
- Physical injury.
- Health problems associated with untreated or polluted water.

THE POLICY

The City Council policy shall be:

1. that each body of open water is assessed with respect to risk to both public and staff;
2. that suitable warning signs are located and maintained for each body of open water;
3. that suitable life saving equipment is provided and maintained, where identified as required by risk assessment, at each body of open water;
4. that activities organised by, or licensed by, the Council on bodies of open water managed by the Council are undertaken in accordance with nationally recognised codes of practice and guidelines;
5. that unintentional access to open water is prevented as far as reasonably practicable;
6. that water margins are designed to reduce risk and allow ease of egress as far as reasonably practicable;
7. that water is visually assessed for pollution and / or biological contamination and action taken as necessary to prevent risk to public and staff as far as reasonably practicable;
8. that public information on the dangers of inland waters is produced and distributed locally;
9. that information packs will be produced and given to schools in the Leeds area to enable them to undertake teaching on the dangers of inland waters;

10. that the Directors/Chief Officers are responsible for the implementation of this Policy in their areas and that they ensure all their employees are aware of and fully understand the Policy.

GUIDANCE NOTES

INTRODUCTION

Leeds City Council recognises its responsibilities as employers for the health and safety of employees and members of the public. These duties are documented in the Health and Safety Policy and associated documentation.

In 2002 the number of accidental deaths from all causes of drowning in the UK totalled 427 (RoSPA "Water safety Fact Sheet). 39% of drowning occurred in rivers or streams and a further 12% in lakes and reservoirs. 19% of drowning was the result of falling in, 17% were alcohol related and 8% whilst swimming.

Physical Injuries associated with inland water sites are generally caused by falls, slips and trips and are likely to be exacerbated by wet and slippery conditions.

Water can both contain contaminants (such as pollutants) and toxins that cause ill health, and can be the medium to promote the spreading of bacteria that cause disease and infections. Blue green algae toxins, leptospirosis, cryptosporidium and e-coli are some examples.

Legal Responsibilities

The Health and Safety at Work etc. Act 1974 (the Act) places a general duty on employers with respect to the health, safety and welfare to persons at work. The Act also places a duty on employers to conduct their undertaking in such a way, so far as is reasonably practicable, that people not in their employment are not exposed to risks to their health and safety.

These responsibilities have been made more explicit in the Management of Health and Safety at Work Regulations 1992. Regulation 3(1)(b) states that ...“every employer shall make a suitable and sufficient assessment of the risks to the health and safety of persons not in his employment arising out of or in connection with the conduct of his undertaking”,

The Occupiers Liability Acts 1957 & 1984 governs the duty an occupier has for the safety of persons who are on his land with or without permission. This duty is owed if:

- the occupier is aware of the danger or has reasonable grounds to believe it exists;
- the occupier knows or has reasonable grounds to believe that another is in the vicinity of the danger concerned or they may come into the vicinity of danger;
- the risk is one against which, in all the circumstances of the case, he may reasonably be expected to offer the other person some form of protection.

Where children are allowed on the land the occupier must be prepared for the fact that children are less careful and often more inquisitive than adults.

This law does not give rise to the risk of prosecution but makes occupiers liable to pay compensation if an injury occurs and the occupier is found to have failed in their duty of care.

Common law 'duty of care' is described as follows, and applies to members of the public as well as operators:

'To take reasonable care to avoid acts or omissions which you can reasonably foresee would be likely to cause injury to your neighbour'.

The duty specified to take reasonable care. This can be defined as 'what the reasonable man/woman would have foreseen as being necessary'. A certain level of risk is acceptable and it is expected that safety measures will be applied 'as far as is reasonably practicable'. In other words, practicable measures have to be technically feasible, and costs in time, money and effort are reasonable.

RISK ASSESSMENT

Reducing or avoiding risk usually comes at a cost which is not always monetary but can be a loss of amenity, risk assessment has to balance these costs against the benefits obtained.

Risk assessments of inland waters will need to look at all aspects of the water, the surrounding environment and the nature of use. Risk assessments will ensure that the Council has a full understanding of the hazards and risks associated with the inland water which will enable successful health and safety management. The frequency of monitoring and review of risk assessments will be governed by experience but in general will be prioritised as follows;

- Major Public Recreational sites

- Casual Public Recreational Sites

- Limited Recreational Access Sites

- Non Public Access Recreation Reservoir Sites

Note; Working methods and risk assessments for employee activities will be undertaken as normal for all locations.

Signs

Signs are more effective if warnings, instructions and prohibitions are delivered progressively (although on small sites it will neither be practical or beneficial). Signs must be relevant and proportional to the site and the hazards and risk. Signs must comply with the Safety Signs Regulations 1980 and BS5378. Although signage may well be checked whenever staff visit a site it should be formally inspected and recorded bi-monthly (or more frequently if the results continually show deficiencies) to ensure that it is in place and in good condition. To assist in this procedure it is recommended that all signs are numbered.

Emergency Point

This is a graphical sign/map at the entrances to the site (normally the car park) which explains the risks and consequent safety features to be found on site and should include the following: -

- Where the visitor is.
- Location of life saving equipment (if applicable).
- Reinforce 'No swimming, No diving, No jumping' (where applicable).
- A reminder to parents to keep young children under control especially next to water.
- What to do in the event of an emergency and location of relevant telephone points and numbers.
- Examples of safety signage found on site – use pictogram wherever possible and consider the potential ethnic diversity of visitors in the need to communicate information.
- Temporary signage slots to provide for ice or flood warnings.

Safety Point

Located at the risk either on the edge protection fencing (if provided) or a prominent location where a visitor can reasonably be expected to see one from whatever location they are at alongside the risk. Safety points should not be combined or confused with other site information.

They should include: -

- Repeat of the key information on the 'Emergency Point'.
- Where recommended - life saving equipment.

Life Saving Equipment

Most Council sites are not continuously staffed so the provision of equipment must consider the consequences of vandalism and the need for maintenance. Provision of equipment that due to the nature of the location cannot be maintained may lead to a false sense of security or unfulfilled expectation.

If the risk assessment recommends that life saving equipment should be provided then it should be relevant to the risk i.e. *life rings* for high drops into deep water or *throw lines* for long reach or shallow water. Public expectation or pressure may require the provision of life rings at some locations where they are not best suited; if this is the case then a dual provision will be required.

It is unlikely that the provision of a rescue boat could ever be justified as a reasonably practical control measure.

Life saving equipment should be numbered and be inspected and documented in accordance with the requirements of the risk assessment. If the results of inspections continually show deficiencies then the frequency of inspections will need to be increased and the risk assessment amended accordingly.

Rescue equipment should be located in suitable containers, which are visible at night. Containers should be positioned at a height so young children or a disabled person in a wheel chair can reach them.

Containers should be provided with "used" tell-tales so that the need to replace or repair can be instantly identified. Containers can be fitted with alarms where this would help in obtaining assistance and preventing vandalism.

Life saving equipment must always be provided to employees where the work activities risk assessment requires it.

Organised Activities on or near inland water

On sites where water sporting activities are permitted by the Council then the organisers must be required to comply with the safety provisions recommended by the relevant national body. This requirement must be included in any site use licence issued by the Council or any contract made with the council.

Water activities undertaken outside of Leeds should be suitably managed and assessed prior to them taking place. Activities undertaken by Council departments should follow departmental arrangements; all school trips involving water activities will be subject to the requirements outlined in the schools' Handbook for Educational Visits.

Adventure Activities Licensing Regulations 1996

The Adventure Activities Licensing Regulations 1996 place a duty on anyone who provides, in return for payment, adventure activities to young people under 18 to ensure that they have a licence for that activity and abide by its conditions. The adventure activities falling under the scope of the Regulations are caving, climbing, trekking and watersports.

The Council must ensure that any organisation falling under the scope of the Regulations is licensed.

Prevention of Unintentional Access

It would be impractical and an unwarranted restriction to fence all inland waters within Leeds to prevent access.

Risk assessments of inland waters will identify locations where some form of fencing is required to prevent persons falling into the water.

The level of assessed risk will affect the choice of barrier. At low risk sites, the function of the barrier might be merely to 'deflect' the public from the water's edge; therefore a post and chain or a single rustic rail might be adequate.

Where overall risk is identified as moderate but where a particularly sensitive location is identified i.e. deep water or pinch points, a section of more substantial fencing may be required.

A high level of risk may lead to the installation of balustrades, combined with warning signs, to exclude members of the public from gaining access to the water's edge.

The balustrade or fencing will require regular maintenance and inspection; as it will be subject to vandalism; and it will usually remain scaleable. The effect of barrier erection on other user groups legitimately on or in the water, such as boaters, will also have to be taken into account to ensure that landing points and emergency access are provided and that there is no risk of crushing.

Design of Water margins

Where the solution identified in the risk assessment is to deflect people from the water's edge and where an open aspect is required, it is preferable to maintain a gentle underwater gradient from the edge.

This should be such as to allow an adult to stand with their head above water at a distance of two body lengths from the edge. This section of shallow water will provide protection from deep water. Grading above and below the water line can at some locations successfully control the risk of falling in.

It is therefore recommended, that shallow water should extend to a minimum of 2 metres from the waters edge, via a 1:3 gradient and a further protective margin of 1.75 metres with depths of 0.65 metres to 1.36 metres via a 1:2.5 gradient.

Where fencing is impracticable and access to the waters edge should be restricted due to depth of water or the nature of water then the use or treatment of vegetation can be utilised to prevent or deter access.

Monitoring of water quality and actions

Monitoring systems need to be established to ensure that relevant action is taken in the event of a pollution incident or the increase in hazard from the water due to weather or other factors.

The Environment Agency should be informed and asked for advice if necessary.

On identification of a health hazard signs restricting access and warning of the danger would need to be put in place and the water monitored (eg Warning blue/green algae, Keep Away)

Publicity

Departments with responsibility for inland water together with the Council's publicity & marketing services will establish a group to produce material to be used by the local media, including press and radio, warning of the dangers of inland waters.

The topics should include, the dangers of cold water, deep water, the results of tampering with or removing safety equipment, that swimming is not allowed in open water on Council land and other topics identified by the working group.

Schools Information Pack

A working group, including a representative from Education Leeds and departments with responsibility for inland water in Leeds will create a Schools Information Pack to be produced and distributed to all schools in the Leeds area for use within the teaching curriculum.

RESPONSIBILITY FOR IMPLEMENTATION

It is the Director/Chief Officers responsibility to create departmental instructions following this guidance on how the Policy will be implemented in their department/division.

TRAINING OF EMPLOYEES

Departments will arrange whatever training or instruction is appropriate for employees in connection with the implementation of this Policy and any departmental arrangements supporting it.

DEFINITIONS

Open Water

Reservoirs, Rivers, Canals, Lakes, Ponds and Pools whether permanent or transient as a result of surface water management.

Major Public Recreational Site

A site which provides for the City as a whole, including formal equipped playgrounds, playing pitches, courts, greens and support for additional provision wherever possible with managed car parking, access routes etc.

Casual Public Recreational Site

A site which provides for a community as a whole including formal equipped playgrounds, playing pitches, courts and greens and is important for local recreation.

Limited Recreational Access Sites

Sites which are accessed by lease, 3rd party interest and permit holders only and/or by the public on definitive public rights of way. This may include leased water sports clubs, permit holders i.e. bird watchers, and the general public on public access routes i.e. paths, bridleways, county roads (not permissive routes).

Non Public Access Sites

Sites which are not open to any public or have any recreational access. These sites may have legal 3rd party interests i.e. sporting rights owners and agricultural users.

References:

RoSPA – Safety at Inland Water Sites, Operational Guidelines. ISBN 1 85088 092 1

Guidance to the Licensing Authority on the Adventure Activities Licensing Regulations 1996. HSE ref: L77. ISBN 0 - 7176 - 1160 - 4