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## SCRUTINY BOARD (CULTURE AND LEISURE)

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Meeting to be held in on  
Monday, 12th November, 2007 at 10.00 am

A pre-meeting will take place for ALL Members of the Board  
in a Committee Room at 9.30 am

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### MEMBERSHIP

#### Councillors

B Atha	-	Kirkstall
A Barker	-	Horsforth
B Gettings	-	Morley North
T Hanley (Chair)	-	Bramley and Stanningley
A Hussain	-	Gipton and Harehills
B Jennings	-	Weetwood
G Kirkland	-	Otley and Yeadon
V Morgan	-	Killingbeck and Seacroft
L Mulherin	-	Ardsley and Robin Hood
L Rhodes-Clayton	-	Hyde Park and Woodhouse
G Wilkinson	-	Wetherby

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*Please note: Certain or all items on this agenda may be recorded on tape*

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# A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></p> <p>To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)</p>	
2			<p><b>EXCLUSION OF THE PUBLIC</b></p> <p>To identify items where resolutions may be moved to exclude the public</p>	
3			<p><b>LATE ITEMS</b></p> <p>To identify items which have been admitted to the agenda by the Chair for consideration.</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p><b>DECLARATIONS OF INTEREST</b></p> <p>To declare any personal / prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct.</p>	
5			<p><b>MINUTES</b></p> <p>To approve as a correct record the minutes of the meeting held on 8 October 2007</p>	1 - 6
6			<p><b>EXECUTIVE BOARD MINUTES</b></p> <p>To note the minutes of the Executive Board held on 17 October 2007.</p>	7 - 16
7			<p><b>OVERVIEW AND SCRUTINY COMMITTEE MINUTES</b></p> <p>To note the minutes of the Overview and Scrutiny Committee held on 11 September 2007.</p>	17 - 22

Item No	Ward/Equal Opportunities	Item Not Open		Page No
8			<p><b>INQUIRY INTO WHARFEMEADOWS PARK FENCING AND THE COUNCIL'S WATER SAFETY POLICY</b></p> <p>To consider a report of the Head of Scrutiny and Member Development regarding the Board's Inquiry into the decision to erect a fence at Wharfemeadows Park, Otley and the general water safety policy of the Council.</p>	23 - 98
9			<p><b>INQUIRY INTO MIDDLETON PARK EQUESTRIAN CENTRE</b></p> <p>To consider a report of the Head of Scrutiny and Member Development which updates Members on the Inquiry into the Middleton Park Equestrian Centre and provides information on the management agreement currently in operation between the Equestrian Centre and the Council.</p>	99 - 112
10			<p><b>WORK PROGRAMME</b></p> <p>To consider a report of the Head of Scrutiny and Member Development which details the Board's current Work Programme.</p>	113 - 120

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# Agenda Item 5

## SCRUTINY BOARD (CULTURE AND LEISURE)

MONDAY, 8TH OCTOBER, 2007

**PRESENT:** Councillor T Hanley in the Chair

Councillors A Barker, A Hussain,  
B Jennings, G Kirkland, V Morgan,  
L Mulherin and G Wilkinson

### 31 Exclusion of the public

**RESOLVED** - That the public be excluded from the meeting during consideration of Appendix 1 in respect of Item 11 "Middleton Park Equestrian Centre". The appendix was confidential under the Access to Information Procedure Rule 10.4.3 – 'Information relating to the financial or business affairs of any particular person (including the authority holding the information).'

### 32 Late Items

In accordance with his powers under section 100B(4)(b) of the Local Government Act 1972, the Chair consented to the submission of a late appendix to Item 11, 'Middleton Park Equestrian Centre'. The appendix was not available at the time of the agenda despatch as it was awaiting clearance from Legal Services.

### 33 Declarations of interest

There were no declarations of interest.

### 34 Apologies for Absence

Apologies for absence were submitted on behalf of Councillors Atha and Gettings.

### 35 Minutes

**RESOLVED** – That the minutes of the meeting held on 10 September 2007 be approved as a correct record.

### 36 Executive Board Minutes

In relation to item 74, Regarding the Control of Ragwort, Councillor Kirkland requested information on whether roadside verges were the responsibility for Parks and Countryside or Highways.

**RESOLVED** – That the minutes of the Executive Board held on 11 September 2007 be noted.

### **37 Wharfemeadows Fence Inquiry**

The Head of Scrutiny and Member Development submitted a report regarding the Board's Inquiry into the decision to erect fencing at Wharfemeadows Park in Otley. Appended to the report was a summary of meetings of the working group that had been established to collate evidence.

Councillor Kirkland reported that it was a contentious issue for the residents of Otley and it had been felt that some of the actions in relation to the proposals had not been transparent, although there was support for fencing to be erected by the weir. Reference was also made regarding a planning application for signage.

Councillor Hanley referred to meetings of the Working Group and events since the last meeting of the Board. He introduced Sean Flesher, Principal Area Manager, Parks and Countryside to the meeting.

In response to earlier comments, Sean Flesher reported that the contractors were due on site this week to commence works. The application for planning permission was to be determined by 4 November 2007. Further to suggestions that the fencing should only be erected by the weir and other recognised danger points at this stage, it was reported that the contractors had been instructed to erect the entire fence and that this should be completed within one week.

Further issues discussed included the following:

- What implications could this have at waterways across the rest of the City?
- Why was Otley, and in particular Wharfemeadows Park chosen for this?
- Project costs would be approximately £126,000. This included bank stabilisation works. Costs of the fence alone were estimated at £27,000.

**RESOLVED** – That the Chair contacts the Leader of the Council and Executive Member regarding suggestions for part erecting the fence and allowing for further consultation on the rest.

### **38 Consultation on Strategic Outcomes and Improvement Priorities for the Leeds Strategic Plan**

The Assistant Chief Executive (Planning, Policy and Improvement) submitted a report regarding the decision of the Overview and Scrutiny Committee to invite feedback from Scrutiny Boards on the draft strategic outcomes and improvement priorities proposed for the Leeds Strategic Plan 2008-11. The report and an accompanying presentation provided the background to the

Draft minutes to be approved at the meeting  
to be held on Monday, 12th November, 2007

development of the Leeds Strategic Plan and the planned consultation process. It was recommended that the Board considered and commented on the draft improvement priorities from the perspective of fulfilling the city's ambitions in terms of culture and leisure.

The Chair welcomed Catherine Blanshard, Chief Arts, Heritage and Leisure Officer and Phil Maney, Head of Performance Management, City Development to the meeting.

Areas highlighted in the presentation as pertinent to the Board included the following:

- Sports
- Parks
- Libraries
- Museums
- Galleries

Members discussed the requirements across the City as a whole and not just the centre and also commented on poor public transport across the City.

**RESOLVED** – That the report be noted.

### **39 Major Projects Update**

The Head of Scrutiny and Member Development submitted a report which gave the Board an update on major projects undertaken within the Leisure Portfolio. Appended to the report, was a spreadsheet of milestones of the following major projects:

- Swimming and Diving Centre
- City Museum
- Discovery Centre
- Carriageworks
- Art Gallery

Catherine Blanshard gave the Board an update on the major projects. In summary, the following main issues were highlighted:

- Art Gallery – There had been a slight delay due to the discovery of asbestos in the building; all works were within budget.
- City Museum – There had been an injection of capital due to extra building works required. This had now been completed and the building was ready for internal fitting work to be carried out. It was anticipated that the Museum would be ready for opening in August/September 2008.
- Anti-skateboarding measures – It was reported that anti-skateboarding measures would be implemented around the City Museum and

Discover Centre. It was also agreed to investigate the possibility of these measures at Roundhay Mansion.

**RESOLVED** – That the report be noted.

**40 Progress Update, Leeds Grand Theatre and City Varieties Music Hall**

The Head of Scrutiny and Member Development submitted a report which provided an update on the phase 2 refurbishment works at Leeds Grand Theatre and the proposed refurbishment of the City Varieties Music Hall.

In summary, the following issues were highlighted:

**Grand Theatre**

- Phase 1 works had been completed.
- Phase 2 works had been completed.
- The theatre should remain open during phase 2 works unless works are required to the safety curtain which would enforce a closure of 5 weeks.

**City Varieties**

- Executive Board approval for the improvements.
- The recent successful bid for Heritage Lottery Funding.

Fires safety issues at both premises were also discussed.

**RESOLVED** – That the report be noted.

**41 Middleton Park Equestrian Centre Inquiry**

The Head of Scrutiny and Member Development submitted a report regarding the Board's Middleton Park Equestrian Centre Inquiry. Included with the agenda was a copy of a report which had been considered by the Executive Board at its meeting of 14 March 2007 and outlined issues relating to the governance and status of Middleton Park Equestrian Centre.

The Chair welcomed the following to the meeting:

- Mrs Charlotte Bromet – Chair of Trustees, Middleton Park Equestrian Centre
- Doug Meeson – Chief Financial Officer
- Pat Kelly – Head of Property and Finance
- Dave Varley – Principal Legal Officer

Doug Meeson and Pat Kelly addressed the meeting and the following issues were highlighted and discussed:

- The relationship between the Council and the Middleton Park Equestrian Centre.



- Financial arrangements.
- Staffing arrangements.
- Governance arrangements.
- The lease of land from Leeds City Council.
- The agreement between the Council and Middleton Park Equestrian Centre made in 1999.

Mrs Bromet informed the Board that the Trust was keen to progress, though questioned the speed at which negotiations had taken place. She also referred to the necessity of the grant funding from the Council and of charitable donations that the Trust had previously received.

**RESOLVED –**

- (1) That a visit for the Board to Middleton Park Equestrian Centre be arranged.
- (2) That a further report be brought to the Board's November meeting and the Chief Officer be invited to attend.

**42 Work Programme**

The Head of Scrutiny and Member Development submitted a report which detailed the Board's current work programme. Also attached to the report was an extract from the Forward Plan of Key Decisions which highlighted decisions that fell within the Board's remit.

**RESOLVED –** That the report be noted.

**43 Date and Time of Next Meeting**

Monday, 12 November 2007 at 10.00 a.m. (pre-meeting at 09.30 a.m.).

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## EXECUTIVE BOARD

WEDNESDAY, 17TH OCTOBER, 2007

**PRESENT:** Councillor M Harris in the Chair

Councillors A Carter, R Brett, J L Carter,  
R Finnigan, R Harker, P Harrand, J Procter,  
S Smith and K Wakefield

Councillor J Blake – Non-voting Advisory Member

### 84 Exclusion of Public

**RESOLVED** – That the public be excluded from the meeting during consideration of the following parts of the agenda designated as exempt on the ground that it is likely, in the view of the nature of the business to be transacted or the nature of proceedings, that if members of the public were present there would be a disclosure to them of exempt information so designated as follows:

- (a) Appendix 1 to the report referred to in minute 90 under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that the public interest in maintaining the exemption outweighs the public interest in disclosing the information as the information relates to the financial or business affairs of a third party and of the Council and the release of such information would be likely to prejudice the interests of both parties.
- (b) The annexe to the report referred to in minute 91 under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that the information relates to the financial or business affairs of the Council. It is considered that the release of such information could prejudice the Council's commercial interests in relation to the disposal of this property or other similar transactions about the nature and level of offers which may prove acceptable to the Council. It is considered that whilst there may be a public interest in disclosure, much of this information will be publicly available from the Land Registry following completion of this transaction and consequently the public interest in maintaining the exemption outweighs the public interest in disclosing this information at this point in time.
- (c) The final appendix to the report referred to in minute 101 under the terms of Access to Information Procedure Rule 10.4(1) and (2) and on the ground that the public interest in maintaining this appendix as exempt outweighs the public interest in disclosing the information because it refers to matters at a preliminary stage which may at some future point have a significant impact on certain schools. Disclosure of the information at this time could lead to speculation prejudicial to the

duty of Education Leeds to secure improvement and increased confidence in schools which would be prejudicial to the public interest.

- (d) Appendices 1 and 2 to the report referred to in minute 88 under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that the information relates to the financial or business affairs of a particular person and of the Council. This information is not publicly available from the statutory registers of information kept in respect of certain companies and charities. It is considered that since this information was obtained through inviting offers for the property/land then it is not in the public interest to disclose this information at this point in time as this could lead to random competing bids which would undermine this method of inviting bids and affect the integrity of disposing of property/land by this process. Also it is considered that the release of such information would or would be likely to prejudice the Council's commercial interests in relation to other similar transactions in that prospective purchasers of other similar properties could obtain information about the nature and level of offers which may prove acceptable to the Council. It is considered that whilst there may be public interest in disclosure, much of this information will be publicly available from the Land Registry following completion of this transaction and consequently the public interest in maintaining the exemption outweighs the public interest in disclosing this information at this point in time.

## **85 Declaration of Interests**

Councillors Blake, Harrand and J Procter declared personal interests in the item relating to City Varieties Music Hall (minute 90) as members of the Grand Theatre Board of Management.

Councillors Blake and Harrand declared personal interests in the item relating to Local Implementation of the National Framework for Continuing NHS Care (minute 89) as a PCT member and as a governor of Leeds Mental Health Trust respectively.

Councillor Wakefield declared a personal interest in the item relating to Secondary and Post 16 Provision in Leeds (minute 101) as a member of the Learning and Skills Council and Councillor Finnigan a personal interest in the same item as a governor of Joseph Priestley College.

## **86 Minutes**

**RESOLVED** – That the minutes of the meeting held on 11<sup>th</sup> September 2007 be approved.

## **DEVELOPMENT AND REGENERATION**

## **87 Holt Park District Centre and Tinshill Recreation Ground**

Referring to minute 34 of the meeting held on 6<sup>th</sup> July 2005 the Director of City Development submitted a report on public consultation on the Holt Park District Centre regeneration proposals, proposed progression of the

proposals, issues with regard to the proposed fencing of 2 pitches at Tinshill Recreation Ground in association with the new Ralph Thoresby High School, including a response to the deputation to Council and seeking endorsement to the fencing of the pitches.

**RESOLVED –**

- (a) That the development of regeneration options at Holt Park District Centre be progressed on the basis of the inclusion of the former Ralph Thoresby High School site within the overall redevelopment area
- (b) That the outcome of public consultation on the proposed regeneration of Holt Park District Centre and the fencing of two pitches at Tinshill Recreation Ground be noted
- (c) That a 1.8 metre high, steel mesh fence with four gates to the two pitches at Tinshill Recreation Ground adjacent to Farrar Lane, be procured and erected.
- (d) That a report be brought back to this Board detailing the terms for access to the two fenced pitches both for organised sport and general public access.

(Under the provisions of Council Procedure Rule 16.5 Councillor Wakefield required it to be recorded that he voted against this decision)

**LEISURE**

**88 The Mansion, Roundhay Park - Offers for Redevelopment Opportunity**

The Director of City Development submitted a report on the outcome of the marketing exercise of the Roundhay Mansion seeking a third party operator for the café/restaurant/bar/function rooms at the property.

The report gave detail in relation to the following options:

- 1 Do nothing
- 2 Accept an offer from one of the offerors, subject to agreement on the lease
- 3 Repeat the marketing exercise for a third party operator
- 4 Expend further Council capital on stripping out and providing a shell for the commercial element of the development and then repeat the marketing exercise for a third party operator
- 5 Consider and pursue alternative uses for the Mansion
- 6 Consider the remarketing of the opportunity on the basis that the Council will make a contribution towards the cost of the initial capital fit out works.

Following consideration of appendices 1 and 2 (appendix 2 being circulated at the meeting) designated as exempt under Access to Information Procedure Rules 10.4(3), which were considered in private at the conclusion of the meeting, it was

**RESOLVED –** That the site be remarketed on the basis of option 6 as referred to above and as set out in the report, following further investigation of costs of

refurbishment and that a further report on offers received be brought to this Board at the appropriate time.

## **ADULT HEALTH AND SOCIAL CARE**

### **89 Local Implementation of the National Framework for Continuing NHS Care**

The Director of Adult Social Services submitted a report on the adoption of the new national framework by the Health and Social Care Community in Leeds with effect from 1<sup>st</sup> October 2007.

**RESOLVED** – That the report be noted and that the formal local adoption of the National NHS Continuing Care Policy with effect from 1<sup>st</sup> October 2007 be endorsed.

## **DEVELOPMENT AND REGENERATION**

### **90 City Varieties Music Hall**

Further to minute 178 of the meeting held on 9<sup>th</sup> February 2007 the Director of City Development submitted a report on the successful Stage 1 bid to the Heritage Lottery Fund for £3,000,000 to assist with funding the refurbishment of the City Varieties Music Hall and on proposals to progress the scheme.

Following consideration of appendix 1 to the report designated as exempt under Access to Information Procedure Rule 10.4(3), which was considered in private at the conclusion of the meeting, it was

#### **RESOLVED –**

- (a) That the successful £3,000,000 Stage 1 bid to the Heritage Lottery Fund be noted and that preparation of the Stage 2 application be commenced.
- (b) That work on the project be continued during the Stage 2 application assessment period.
- (c) That the issues with regard to the acquisition of third party property be noted and that agreement be given to the principle of making a Compulsory Purchase Order should progress on outstanding matters be not satisfactory, subject to a report being brought back to this Board should it become necessary for the Council to pursue such a course of action.
- (d) That the Leeds Grand Theatre and Opera House Ltd Board of Management be invited to commence their fundraising campaign.

(The urgent need to progress the Stage 2 bid to the HLF precluded this decision from eligibility for Call In).

### **91 Otley Civic Centre**

The Director of City Development submitted a report on the alternatives available to address the future of Otley Civic Centre and offering a proposal as to how the City Council could support the Town Council in the implementation of the Town Council's preferred option.

The report outlined a number of options:

- 1 To do nothing
- 2 To undertake repairs to the external fabric of the Civic Centre independent of any action by the Town Council
- 3 To progress one of the following options identified in the feasibility study:
  - Refurbishment of the existing Civic Centre in its present form
  - Refurbishment and expansion of capacity of the existing Civic Centre (the Town Council's preferred option)
  - Building a new Civic Centre on an, as yet unidentified site
  - Partial conversion and new build of a property at North Parade
  - To split the existing centre and construct a new hall at North Parade

Following consideration of the annexe to the report designated as exempt under Access to Information Procedure Rule 10.4(3), which was considered in private at the conclusion of the meeting, it was

**RESOLVED –**

- (a) That the Director of City Development make a formal approach to Otley Town Council with an offer from the City Council to transfer the freehold of the Civic Centre following its refurbishment on the basis of the costs of the refurbishment programme being shared by the two Councils as set out in the confidential annexe to the submitted report.
- (b) That the Director of City Development report back to this Board with the outcome of that approach and, if appropriate, submit a request for a fully funded injection into the Capital Programme for the refurbishment works.
- (c) That approval be given to the ring-fencing of the capital receipt from the disposal of the North Parade site towards the implementation of the refurbishment works subject to the Town Council agreeing to share this cost as set out in the confidential annexe to the report.

**CENTRAL AND CORPORATE**

**92 Creation of the Leeds Award**

The Chief Democratic Services Officer submitted a report on the proposed creation of the 'Leeds Award' to recognise people who have brought credit to the City.

**RESOLVED –** That the creation of the 'Leeds Award' be approved and that the administration of the Award be as detailed in the submitted report.

**93 A Memorials Policy**

The Director of City Development submitted a report on the proposed adoption of a policy on honouring citizens of Leeds with a memorial.

**RESOLVED –**

- (a) That a Memorial Panel as described in paragraph 4.1 of the submitted report be established to agree the criteria for honouring Leeds citizens with a memorial and to consider applications for memorials.
- (b) That all memorials take the form of a suitable inscription engraved in the flagstones of Merrion Gardens.
- (c) That these arrangements should not preclude an alternative memorial in the specific circumstances of a given case.

**94 Single Managed Fraud Team**

The Director of Resources submitted a report on a proposal to establish a single-managed Counter-fraud Service for Leeds in conjunction with Job Centre Plus and in relation to the full range of benefits administered by the two organisations.

**RESOLVED –** That approval be given to the establishment of a single managed fraud team that will see operational management provided by Job Centre Plus and strategic management provided by a Joint Management Board.

**95 Progress Report on the PPP/PFI Programme in Leeds**

The Deputy Chief Executive submitted a report giving a 6 monthly update on progress of PPP/PFI project and programmes and the implementation of the governance framework.

**RESOLVED –** That the current status of PPP/PFI projects and programmes together with the information on management of attendant risks be noted.

**NEIGHBOURHOODS AND HOUSING**

**96 Burley Lodge Group Repair**

The Director of Environment and Neighbourhoods submitted a report on the Burley Lodge Group Repair external enveloping scheme intended to extend the life of 52 properties by 30 years. The report further indicated that it was also anticipated that 11 miscellaneous ALMO properties within the area would also be similarly improved subject to approval by the West North West Housing Ltd Board.

**RESOLVED –**

- (a) That the injection into the Capital Programme of £2,311,163 of Regional Housing Board funding and £256,959 from owner occupiers be approved.
- (b) That Scheme Expenditure to the amount of £2,567,959 be authorised.
- (c) That a report on progress of the scheme be brought to a future meeting of this Board.

**97 Home Improvements**

The Director of Environment and Neighbourhoods submitted a report on progress to help homeowners to improve their homes and on a proposal to



spend £1,300,000 government grant for the remaining elements of the scheme.

**RESOLVED** – That expenditure of £1,300,000 of Regional Housing Grant funding for this scheme be authorised.

### **CHILDREN'S SERVICES**

#### **98 Time for Change White Paper**

The Director of Children's Services submitted a report on the significant reforms proposed for Looked After Children in the White Paper and on the current position in Leeds in terms of both current work and work planned for the future in response to this.

**RESOLVED** – That the report, tabulation of impact assessment and proposed future actions be noted.

### **CENTRAL AND CORPORATE**

#### **99 Arrangements Post the Abolition of the Schools Organisation Committee**

The Assistant Chief Executive (Corporate Governance) submitted a report on options available to the Council to decide upon proposals formerly dealt with by the School Organisation Committee.

The report presented the options of

- Executive Board to make the decision
- Executive Board to make the decision following recommendation of an Advisory Board
- An officer to whom the authority has been delegated to make the decision or
- An officer to whom authority has been delegated to make the decision following recommendation of an Advisory Board

#### **RESOLVED –**

- (a) That the Executive Board makes decisions on all statutory proposals where they have the responsibility to do so as set out in appendix A to the report.
- (b) That where there are objections to proposals they be first referred to an Advisory Board for a recommendation to be made to the Executive Board.
- (c) That an Advisory Board be set up to advise the authority on proposals
- (d) That the draft Standing Orders at appendix B of the report be adopted as the Standing Orders for the Advisory Board.

## **CHILDREN'S SERVICES**

### **100 Annual Report on the September 2007 Admission Round for Community and Controlled Schools**

The Chief Executive of Education Leeds submitted a report giving statistical information in relation to the admissions process and highlighting issues which need to be addressed for the 2008 admission round.

**RESOLVED** – That the report be noted.

### **101 Transforming Secondary and Post-16 Provision in Leeds**

The Director of Children's Services and the Chief Executive of Education Leeds submitted a joint report on proposed consultation on an approach to the transformation of secondary and post-16 provision in Leeds.

A four page appendix, circulated with the agenda as exempt, was circulated at the meeting in a revised form which included two pages of open information and two pages of exempt information. In introducing the item the Executive Member (Learning) indicated that all references to "The Central Leeds School Improvement and Learning Alliance" should be amended to read "The Leeds Learning Alliance".

Following consideration of the two page final appendix to the report designated as exempt under Access to Information Procedure Rules 10.4(1) and (2), which was considered in private at the conclusion of the meeting it was

**RESOLVED** –

- (a) That consultation be undertaken on the following:
  - The Transforming Secondary and Post-16 Provision in Leeds paper
  - The Academies in Leeds paper
- (b) That the publication of the Central Leeds School Improvement and Learning Alliance prospectus be approved.
- (c) That the progress being made with the Learning and Skills Council Review be noted and that a further report be brought to this Board in November commenting as part of the formal consultation on the Learning and Skills Council preferred way forward.
- (d) That further reports be brought to this Board outlining the outcome of consultation and expressions of interest in joining the Alliance and sponsoring any Academies in Leeds.

### **102 Progress of South Leeds High School, October 2007**

The Chief Executive of Education Leeds submitted a report summarising the recent progress of South Leeds High School.

**RESOLVED** –

- (a) That the report and the need for continued support for the school be noted.

- (b) That the Scrutiny Board (Children's Services) be requested to examine the processes whereby Key Stage Four results are initially published with a view to ensuring that the level of risk that incorrect results may be published are minimised.

DATE OF PUBLICATION: 19<sup>TH</sup> OCTOBER 2007  
LAST DATE FOR CALL IN: 26<sup>TH</sup> OCTOBER 2007 (5.00 PM)

(Scrutiny Support will notify Directors of any items called in by 12 noon on Monday 29<sup>th</sup> October 2007)

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## OVERVIEW AND SCRUTINY COMMITTEE

TUESDAY, 11TH SEPTEMBER, 2007

**PRESENT:** Councillor P Grahame in the Chair

Councillors B Anderson, S Bentley,  
B Gettings, S Golton, T Hanley, A Harrison,  
W Hyde and R Pryke

Apologies Councillor E Minkin

### 28 Declaration of Interests

The following Member declarations of interest were made:-

Agenda Item 11 (Minute No 34 refers) – Protocol between Scrutiny and Statutory Public Sector Partners in Leeds – **Councillor Anderson** – personal interest in his capacity as a member of the Environment Agency (Ridings Area)

Agenda Item 11 (Minute No 34 refers) – Protocol between Scrutiny and Statutory Public Sector Partners in Leeds – **Councillor Pryke** – personal interest in his capacity as a member of the Yorkshire Regional Flood Defence Committee.

Agenda Item 13 (Minute No 36 refers) – Recommendation Tracking – ‘When Contracts Go Wrong’ – **Councillor Grahame** – personal interest in respect of the Swarcliffe PFI contract in her capacity as a member of the Swardale Swarcliffe Eastwood Residents Association.

### 29 Minutes - 2nd July and 20th August 2007

Further to Minute No 19, 2<sup>nd</sup> July 2007, Councillor Hanley stated that he was not satisfied with the information provided in respect of debt rescheduling and requested that Members be supplied with further information and explanation regarding the dates that loans were taken out, paid off or rescheduled and how this had led to accumulated savings of some £21.8m. The Head of Scrutiny and Member Development undertook to pursue this on Members’ behalf.

**RESOLVED** – That the minutes of the meeting held on 2<sup>nd</sup> July (x2) and 20<sup>th</sup> August 2007 be confirmed as a correct record.

### 30 Minutes - Executive Board - 4th July and 22nd August 2007

**RESOLVED** – That the minutes of the Executive Board meetings held on 4<sup>th</sup> July and 22<sup>nd</sup> August 2007 be received and noted.

## 31 Annual Audit and Inspection Letter, June 2007

The Head of Scrutiny and Member Development and the Chief Officer (Executive Support) submitted reports regarding the contents of the Annual Audit and Inspection Letter dated June 2007, prepared by the Council's External Auditors, KPMG, which related to Council performance, its accounts, data quality and use of resources.

This document had previously been considered by the Corporate Governance and Audit Committee on 29<sup>th</sup> June 2007, which had referred two specific items to OSC for possible further scrutiny – teenage pregnancy figures and worklessness.

Steve Clough, Head of Policy, Performance and Improvement, and Richard Foster, KPMG, attended the meeting and responded to Members' queries and comments. In brief summary, the main issues raised were:-

- **Teenage pregnancy rates** – Councillor Golton agreed that the Scrutiny Board (Health and Adult Social Care) should receive an update report on this issue. It was suggested that it might be helpful to invite back some of the witnesses who had presented evidence to the original Board Inquiry;
- The devolving of control of services to area level, e.g. the Youth Service, and the need for co-ordination to ensure that City-wide issues, such as teenage pregnancies, were not neglected in this process;
- **Worklessness** – It was reported that this was a key issue identified in the Local Area Agreement, and the Scrutiny Board (Resources), in consultation with partner organisations and large local employers, was investigating initiatives to improve the figures for the number of people in work, such as the **Jobcentre Plus 'Halfway Back to Work' initiative**. The **Aire Valley Development** was also aimed at tackling the problem;
- The reasons behind the City's ratings drop in the **CPA 'Culture' block**, due to a change in the scoring system relating to people's ability or otherwise to readily access library books, and what was being done to address the matter. The inherent tension between national targets and local priorities was remarked upon, and how these might be reflected back to the Government, as was Member involvement in the preparation and approval of the **Annual Library Plan** (reported to Council). Opening times of local libraries, and how the public might influence these, was also referred to;
- The unexpected increase in the **population weighting** element for Leeds and its impact on the CPA scores.

### RESOLVED –

- (a) That subject to the above comments, the contents of the Annual Audit and Inspection Letter be received and noted
- (b) That Steve Clough and Richard Foster be thanked for attending the meeting and responding to Members' queries and comments.

## 32 Performance Report - Quarter 1 2007/08

Final minutes - approved at the meeting  
held on Tuesday, 9th October, 2007

The Head of Policy, Performance and Improvement submitted a report updating the Committee on performance against targets across a raft of statutory and local indicators, involving all the Scrutiny Boards' areas of responsibility. The report contained **predicted CPA scores for 2007/08**.

Steve Clough, Head of Policy, Performance and Improvement attended the meeting and responded to Members' queries and comments. In brief summary the main issues discussed were:-

- The performance report had been discussed with individual Scrutiny Board Chairs, to assist in identifying areas which might benefit from further detailed scrutiny;
- **BV204 – The percentage of appeals allowed against the authority's decision to refuse planning applications** – Performance against this indicator continued to cause concern, but due to the length of time taken to determine appeals, the effects of the recent training for Members in this area would be slow to show through in the performance indicators;
- **Waste and Recycling** – The performance figures for waste and recycling for the period 1<sup>st</sup> April to 30<sup>th</sup> June 2007 were very positive, with the highest rate of recycling and composting ever recorded. However, this was a tough target, the aim being to recycle over 50% of Leeds waste by 2020, and the penalties for failure to meet Government targets were swingeing.

**Fly tipping** was highlighted as an issue, and there was a specific performance indicator in relation to this issue, based on the speed with which the authority dealt with reported instances. It was suggested that this was an issue which the Scrutiny Board (Environment and Neighbourhoods) might wish to look at;

- **Direct Payments** – OSC to consider at its October meeting;
- **LKI-EO1 – Number of staff declaring that they meet the DDA disability definition as a percentage of the total workforce** – Identified as a hard to achieve target, which a Scrutiny Board might wish to pursue;
- The actual targets themselves – were they challenging enough?

**RESOLVED** – That the report be noted, and Scrutiny Chairs, in consultation with their Boards and the Scrutiny Support Unit, decide which key areas of under-performance they wish to investigate.

### 33 Consultation on Leeds Strategic Plan

The Committee considered a report from the Assistant Chief Executive (Planning, Policy and Improvement) regarding recently approved changes to the Council's corporate planning framework, which involved the merger of the **Local Area Agreement** with the Council's **Corporate Plan** to form a single document to be known as the **Leeds Strategic Plan**. The report explained the implications for the scrutiny process.

**RESOLVED** –

- (a) That Option 3, as set out at Paragraph 3.3.4 of the report, be adopted, i.e. overall feedback to be sought from OSC, and on specific draft strategic outcomes and improvement priorities from relevant Scrutiny Boards.
- (b) That if necessary, working groups be urgently established by the Head of Scrutiny and Member Development, to look at specific areas and submit their recommendations to the October cycle of Scrutiny Board meetings.

### **34 Protocol between Scrutiny and Statutory Public Sector Partners in Leeds**

The Head of Scrutiny and Member Development submitted a report regarding the establishment of a proposed protocol between Scrutiny Boards and the Council's statutory public sector partners in Leeds, in anticipation of the proposals contained in the **Local Government and Public Involvement Bill**, which when enacted would extend the Council's scrutiny role into the service areas of those partners.

The range of public sector partners covered by the Bill and the proposed protocol were:-

Environment Agency	Natural England
Fire and Rescue Authorities	Jobcentre Plus
National Park Authorities	Health and Safety Executive
Youth Offending Teams	Police Authorities
Chief Officer of Police	Local Probation Boards
Regional Development Agency	Joint Waste Disposal Authorities
Sport England	English Heritage
Learning and Skills Council	Highways Agency
Metropolitan PTAs	

Scrutiny of the above-named public sector partners in Leeds would cover activities undertaken by them to deliver improvement targets in the **Local Area Agreement**. This included the planning, provision and operation of services commissioned and provided by these organisations.

Scrutiny Boards would not inspect, audit or manage the performance of the named public sector partners, although performance information could be requested by a Board to inform an Inquiry. Arrangements for the inspection, audit and performance management of these organisations would continue to be carried out by the appropriate regulatory bodies or agencies, and would not be affected by the scrutiny function of the City Council.

In response to Members' queries and comments, the Head of Scrutiny and Member Development indicated that it was not entirely clear at this stage whether the provisions would cover, say, just the Police Authority itself, or the actions of the Police, similarly whether it was just the Local Probation Board or the National Offenders Service. The list of bodies might also be subject to change as the Bill progressed through Parliament. It had been suggested that



the Scrutiny Board (Environment and Neighbourhoods) should look at one area affecting the Police, on an experimental basis, during the current municipal year.

**RESOLVED** – That the report be noted and the proposed protocol be approved.

### **35 Review of Call - In Arrangements**

The Head of Scrutiny and Member Development submitted a report reviewing the Council's Call-In process, and in particular the current requirement for cross-party support before a matter can be Called-In.

The Chair undertook to seek urgent clarification regarding the alleged role of Party Whips in monitoring the current arrangements, and how this had come about.

Following significant discussion and detailed consideration of the evidence and options before the Committee, and on a split vote, it was ultimately :-

**RESOLVED** – That the present Call-In arrangements be re-affirmed i.e. two Elected Members of the Overview and Scrutiny Committee from any two different political parties.

(NB: Councillor Golton left the meeting at 11.40 am at the conclusion of this item)

### **36 Recommendation Tracking**

The Head of Scrutiny and Member Development submitted a report updating the Committee on progress in implementing its recommendations in respect of two Scrutiny Inquiries from 2006/07 – **'When Contracts Go Wrong'** and **'Think Big, Act Local – Narrowing the Gap'**.

Wayne Baxter, Chief Procurement Officer, responded to Members' queries and comments on the former Inquiry, and Kathy Kudelnitsky and Andrea Tara-Chand, Leeds Initiative, and Stephen Boyle, Chief Regeneration Officer, were present to respond to the latter Inquiry.

Wayne Baxter undertook to supply Members with details of the total cost of contracts awarded under £100,000 in value during 2006/07.

**RESOLVED** –

- (a) That in respect of the **'When Contracts Go Wrong'** Inquiry update, the actions taken to implement the recommendations be noted and accepted as achieved, with the proviso of a further monitoring report in six months time in respect of Recommendations 4, 5 and 6 and an invitation to Paul Langford, Chief Housing Services Officer, to attend a future meeting to respond to Members queries regarding PFI contracts

- (b) That in respect of the '**Narrowing the Gap**' Inquiry update, the actions taken to implement the recommendations be noted and accepted as achieved, with the proviso of a further monitoring report in six months time in respect of Recommendations 1, 4 and 5.

(NB: Councillor Pryke left the meeting at 12.02 pm during the consideration of this item)

### **37 Overview and Scrutiny Committee - Work Programme and Draft Terms of Reference for Proposed Inquiries**

The Head of Scrutiny and Member Development submitted a copy of the Committee's work programme, updated to reflect decisions taken at previous meetings, together with a relevant extract from the Council's Forward Plan of Key Decisions for the period 1<sup>st</sup> September to 31<sup>st</sup> December 2007. Also attached to the report were the proposed draft terms of reference for two OSC Inquiries in 2007/08 – '**Support to Group Offices**' and '**Responding to the Needs of Migrants and their Families**'.

#### **RESOLVED –**

- (a) That approval of the proposed Terms of Reference for the '**Support to Group Offices**' Inquiry be deferred pending the Chief Democratic Services Officer's review of this area;
- (b) That the draft Terms of Reference of the '**Responding to the Needs of Migrants and their Families**' be approved;
- (c) That a working group be established comprising the Chair and Councillors Hanley, Harrison and possibly Anderson (subject to clarification on his position reference his interest in this matter as a Director of Leeds West/North West Homes ALMO Board) to draft Terms of reference for the proposed **ALMO Structure Inquiry**;
- (d) That Mike Evans, Chief Officer, Adult Services be invited to attend the next meeting in October to discuss the proposed **Direct Payments Inquiry**;
- (e) That subject to the above, the Committee's work programme be approved.

### **38 Dates and Times of Future Meetings**

Tuesday 9<sup>th</sup> October 2007  
Tuesday 6<sup>th</sup> November 2007  
Tuesday 11<sup>th</sup> December 2007  
Tuesday 8<sup>th</sup> January 2008  
Tuesday 5<sup>th</sup> February 2008  
Tuesday 11<sup>th</sup> March 2008  
Tuesday 8<sup>th</sup> April 2008

All at 10.00 am (pre-meetings at 9.30 am)



Originator :P Marrington

Tel: 39 51151

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**Report of the Head of Scrutiny and Member Development**

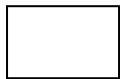
**Scrutiny Board (Culture and Leisure)**

**Date: 12<sup>th</sup> November 2007**

**Subject: Inquiry into Wharfemeadows Park Fencing and the Council's Water Safety Policy**

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**Electoral Wards Affected:**



Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**1.0 Introduction**

- 1.1 The Board has been undertaking an inquiry into the decision to erect a fence at Wharfemeadows Park, Otley and the general water safety policy of the Council. A working group has been established to collate information on behalf of the Board and this has reported back to the Board after several meetings. Having discussed the issue of legal advice received during the decision making process, the Board is now in a position to discuss other factors which contribute to the approach to water safety in which the Council is currently engaging.

**2.0 Reports submitted to the Board**

- 2.1 Attached to this report are two reports prepared by RoSPA (Royal Society for the Prevention of Accidents). The first is a water safety audit undertaken for the Council in 2005 which provides generic guidance using sample sites. The second report was prepared in April 2007 and includes site specific reports on Wharfemeadows Park, Otley and Roundhay Park. These two sites represent examples of fast flowing water sites and lakes in an urban environment.
- 2.2 A representative from RoSPA will be in attendance to discuss the issues raised within the reports and to contribute to the discussion around the case of Wharfemeadows Park. A representative from the department will also be in attendance.

### **3.0 Next steps**

3.1 To assist Members in deciding the next stage of the Inquiry the Terms of Reference for this Inquiry are attached.

### **4.0 Recommendation**

4.1 Members are requested to note the contents of the two RoSPA reports, discuss issues raised with the representatives in attendance and to make comments and recommendations as appropriate.

4.2 Members are also requested to determine the next stage of the inquiry.

**The Royal Society for the Prevention of Accidents**



**Water and Leisure Report**

**Water safety audit for Leeds City Council**

**Template for a Water Safety Policy  
Specific site guidance and generic guidance on sample sites**

**September 2005**

**RoSPA Water Safety Consultant  
Peter S. G. MacGregor  
DMS MIFireE MIOSH RSP**

## CONTENTS

<b>Section</b>	<b>Title</b>	<b>Page</b>
<b>1</b>	Introduction & Terms of Reference	<b>3</b>
<b>2</b>	Summary of Hazard and Risk	<b>3</b>
<b>3</b>	Existing Management of the Risk	<b>4</b>
<b>4</b>	Legal Responsibilities	<b>5</b>
<b>5</b>	Definitions of Safety Provision	<b>9</b>
<b>6</b>	Site Specific Recommendations	<b>10</b>

## **0. Introduction and Terms of Reference**

This report was commissioned by Leeds City Council (LCC) to provide a generic review of the areas of open water within the City Council area as well as to give specific site recommendations on the sample sites visited.

In making these assessments and proposing recommendations, which flow from this report, particular emphasis has been placed the RoSPA publication '*Safety At Inland Water Sites - Operational Guidelines*' together with the revised British Standard for BS 5499-11 '*Water Safety Signage*'. Additional reference has also been made to the '*Visitor Safety in the Countryside Groups publication 'Managing Visitor Safety in the Countryside'*' ([www.vscg.co.uk](http://www.vscg.co.uk)).

Consideration is also given to the implications of recent court judgements and accident investigations where these have a bearing on water safety and provision of rescue equipment and edge protection measures.

In the recommendations that follow RoSPA has endeavoured to identify all the risks; however it is essential that plans, risk assessments and operating procedures are continually developed and reviewed in response to changing legislation, best practice documents, *active monitoring* and the *investigation and outcomes of accidents and near misses*.

### **Summary of Hazard and Risk**

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.

### **Drowning**

This can occur from either accidentally falling or deliberately accessing the water and usually arises from one or more of the following factors:

- *Uninformed or unrestricted access to the water hazard.*
- *Ignorance, disregard or misjudgement of the danger.*
- *Lack of skill to handle the prevailing weather conditions.*
- *A lack of suitable life saving equipment.*
- *Lack of supervision.*
- *Inability of the victim to cope (or be rescued) once in danger.*

Although each of these above may be a contributory factor, the major cause of potential danger on any site will be *ignorance or misjudgement of the danger* (which is why such emphasis is placed upon signage in this report).

### **Physical injury**

Injuries are generally caused by falls; slips, trips and are likely to be exacerbated by wet and slippery conditions.

### **Potential poor water quality associated health issues**

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.

Furthermore, employees can also be at risk carrying out maintenance work on the waterside and acting outside their experience and competence without the necessary training and the provision of safety equipment.

### **3. Existing management of the risk**

Water hazards when risk assessed are usually controlled by:

- Physical features to deny or control access, such as barriers or gates.
- Education to raise awareness of the dangers by providing information through signage, leaflets and the use of the local media, etc.
- Documented risk assessments.
- Documented maintenance arrangements.
- Supervision by having a physical presence on site.
- By having in place agreed operational procedures such as formal written Normal Operational Procedures (NOP's) and having an Emergency Action Plan (EAP) and, when deemed appropriate, rescue equipment suitable for the risk.

A risk assessment review can be used to determine what should be done, but in itself it can be only part of a total assessment strategy. The conducting of risk assessments by LCC only ensures that you have a full understanding of the hazards and risks, which are the basic premise of why a risk assessment should be carried out. The risk assessment strategy should highlight the need for documentation such as NOP or EAP, formal supervision or information dissemination arrangements.

The starting point in establishing safe sites is to develop a **Safety Policy and Safety Management System**, which clearly identifies responsibilities and resources to support this approach. This is based upon acknowledged good practice and design principals as contained in, for example, HSE publication (HSG 65) '*Successful Health and Safety Management*, and BSI (BS 8800, 1966) '*Guide to Occupational Health and Safety Management Systems*'. Both these documents stress that the key to adopting a planned approach to safety management lies in developing an effective approach to risk assessment. At present, there is a requirement under legislation, *which is implicit in the management regulations*, to carry out risk assessments but that there no statutory requirement to put in place specific controls, which could include among others, fences and rescue equipment.

### **4. Legal Responsibilities**

Various pieces of legislation place statutory duties on the site owners/managers of water sites, or the person responsible for the sites, to provide for the safety and the well being of visitors, which **includes employees and members of the public. The consultant has highlighted those issues, which directly relate to the site-specific recommendations, which follow later in the report.**

Both statute and common law have a relevance to the operation and management of inland waters.



## Statutory Health and Safety Requirements

**Health and Safety at Work Act 1974:** This is an enabling act with the aim of securing health and safety in the work place. Regulations made under the Act place more specific duties on employers than employees. **Section Three of the 1974 Act** specifically requires every employer to ensure, so far as is reasonably practicable, that he/she takes the necessary steps to ensure the **safety of non-employees affected by his/her activities.**

**The Management of Health and Safety at Work Regulations 1999 (previously 1992):** These were made under the 1974 Act. They require that health and safety is suitably managed so as to control risks effectively and present no harm to people. **The regulations require that adequate and suitable assessments of work related hazards should be carried out to determine the preventative and protective steps that must be taken.**

They also require employers to have access to competent advice, to monitor and review their systems, to have emergency procedures and to provide information and training. **They have major implications for the many inland open water and coastal sites operators, whose activities have a bearing on the public as well as employee safety.**

**The Health and Safety (First Aid) Regulations 1981:** These were also made under the 1974 Act, and are mainly concerned with the provision of first aid for employees. The regulations set out the range of numbers and training of first-aiders, and the type of equipment that should be provided.

**Public Health Act 1936:** This is an enabling law offering local authorities the power to regulate water users by by-laws (for example, to prohibit swimming).

**Occupiers Liability Act 1957:** This states that the occupier must **take reasonable steps** to ensure the **safety of visitors** to his/her land or premises. **This duty is particularly onerous where children are concerned.** **The occupier owes the duty of care not only to visitors but also to trespassers as well.**

**The Health and Safety (Safety Signs and Signals) Regulations 1996:** This implements European Directive 92/58/EEC, which came into force in April 1996. This standardises safety signs throughout member states of the European Union. The regulations require employers to use safety signs where there is a significant risk to health and safety of their employees that has not been avoided or controlled by the methods required under other relevant law, provided use of a sign can help reduce the risk.

\*You should be aware that a new BSI standard has been developed specific to water safety signs. The standard BS 5499-11: 2002 was published on 20/07/2002 and RoSPA recommends that any new signage should conform to this standard in the future and that a regular review of existing signage is carried out. Those signs that are in need of repair or have poor legibility/clarity of image should be replaced straight away and all others should be subject to programmed replacement. The period of time for such replacement should be 'reasonable' in terms of overall cost against the safety gain or imperative. Overall it should not be unreasonable to expect that all signs should also comply with this new standard within a three-year period.

(This estimation could be modified by future court actions arising from signage issues).

### **Other Occupational Health and Safety Duties**

**Operators to whom the 1974 Act applies also have various duties, including the recording, notification and investigation of accidents to the enforcing authority** (e.g. HSE or local authority Environmental Health departments). The appropriate enforcing authority must be notified, where a member of the public has drowned or has been taken to hospital for medical treatment, i.e. following a near drowning incident.

### **Common Law Duty of Care**

Although there is a lack of direct legislation in this area, common law cases can be helpful to provide further guidance and powers to responsible bodies to effect preventative measures and the site owner must ensure that all facilities and equipment are suitable and safe to use. Under common law, liability to negligence may arise from the breach of fundamental duty, known as a 'duty of care'. The duty 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.

In the case of safe management of inland water sites, **the duty of care means that the burden of taking adequate precautions falls on the site operator. A risk assessment of the facility and equipment should be undertaken and appropriate safety measure adopted.** A *water safety policy* and normal operating procedures document, together with an emergency action plan, should be completed and then monitored and reviewed at regular intervals. Before devising a water safety strategy hazards must be identified, risk determined and findings recorded. This is a legal requirement under the Management of Health and Safety Regulations 1999. **The duty of care is extended to protect people even from their own ill-judgement or wilful abuse of facility or equipment.**

## **0. Safety Provision – Definitions**

In the individual *site-specific recommendations* the following terminology is used and the Consultant explains below the relevance to this report. (These definitions should be read in conjunction with these recommendations in *Section Six* of this report).

## **Edge Protection (where recommended)**

### **Barrier, post and railing systems for water side edge protection**

In some circumstances, where the risk is high due to the nature of the edge (or the hinterland activity) or that there is a danger that someone might get into difficulties, then fencing may be necessary.

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 balustrade, 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.

### **Consistency**

*An inconsistent treatment may well be counter productive in terms of accident prevention. It is therefore essential that the response to hazards and conditions is uniform.*

*Consistency can be attained by the use of an edge treatment classification where the response to a hazard can be banded. To achieve consistency, an edge-banding guide has been devised specifically to respond to the conditions at urban and coastal docks, marinas, canals, riversides and sea front promenades.*

### **Banding**

Where the profile and nature of the waters edge is a fundamental factor in risk, addressing the edge in isolation will not address all the safety issues. Adequate information and warnings, education of visitors; and where appropriate, rescue equipment and supervision should always supplement protective measures. Some physical measures to prevent public access are outlined below.

The RoSPA banding guide provides a framework to assist operators in developing a consistent response to certain levels of risk presented in an urban waterside environment. The banding defines the degree of risk present at the location not the specific edge treatment or control measure required. Where access restriction is not appropriate, steps must be taken to control risks to an acceptable level using well-established risk assessment techniques.

#### **Band 1 Fencing**

- Water less than 0.5 metres in depth providing an ornamental function.

- Solid well-defined edge e.g. coping stones; minimal height above the water surface; the edge should be stepped allowing a gradual approach into the water.
- This treatment is distinctive in that there is no fencing.

### Band 2 Fencing

- The water will exceed 0.5 metres in depth.
- The edge is well defined and solid and not more than approximately two metres above the surface.
- This band may include footbridges or pinch points in Band 1 areas where balustrading is required to guide users and identify the risks.
- The site is unlikely to be accessible to unaccompanied children.
- The treatment is post and chain or similar balustrades.

### Band 3 Fencing

- Deep water
- Solid, well defined edge
- Unlikely to be adjacent to dwellings, bridges, weirs and cuts.
- Other contributory factors may include the usual presence of people, walking or seated.
- The treatment is bollard/post and chain (or rail) supported by ladders and grab chains on the wall feature, and rescue equipment on the promenade.
- Ladders should be installed at 50 metre intervals.

### Band 4 Fencing

- Band 4 will usually be required in order to directly deny access, either because of the extreme danger or because of the concentration of people near the hazard.
- Vulnerable groups such as the elderly and young children should be protected by Band 4, especially on or near structures, well-used public access points, dwellings, pubs, shops, schools, etc.
- The treatment is balustrading at least a metre high. Vertical railings, or alternatives, which are difficult to climb, are appropriate, without horizontal footholds.
- Because Band 4 treatment is essentially based on an exclusion principle, rescue equipment is not often necessary. The 'exclusion' factor also denies would-be rescuers from easy access.
- Hazard warning notices to promote safety awareness are still important within this band.

### Specification

Although there is no specific standard or requirement that relates to water edge protection barriers, it is important that specifications for water edge treatments relate to something and recommendations are achievable in practice. There are some standards and guidance that can be used and current barrier, balustrade and fence designs are available that meet those requirements.

RoSPA's recommendations on design are based on the 'Building Regulations 1991 Protection from Falling, Collision and Impact (1998 edition) Part K2 and K3' and 'BS6180: 1995 Code of Practice for Barriers in and about Buildings'. These documents give the requirements and loading specifications for such barriers. RoSPA therefore recommends that the minimum height of fencing should be 1.1 metres from finished ground level. Posts should

be installed at maximum centres of 2000mm, and if used, vertical rail infill at 100mm centres to discourage climbing. The gap between the finished ground level and the bottom horizontal rail should be a maximum of 100mm.

Alternatives to vertical railed barriers can only be recommended if they meet the specifications contained within the guidance quoted and if they fulfil the requirement for discouraging climbing. Pre-tensioned stainless steel cabling instead of solid horizontal bars, fine mesh or solid panel infill, roll over top rails and the inward canting of the barrier, can all contribute to making the barrier less easy to climb.

### Materials

Cast iron posts are suitable for pedestrian areas and non-vehicle control environments. Anti ram raid and traffic control posts should be cast in ductile iron or other materials that can cope with vehicle impact.

### Positioning

If the balustrade is installed too far away from the edge, the remaining margin may invite access. \*Specification exceptions can be allowed in respect of limited runs of balustrade being stepped back, e.g. to form angling bays for the disabled, to avoid capstans, etc, or where the coping stone is suspect.

See exceptions \* above – The optimum recommended distance of the fence from the quay edge should be 300mm or less so as not to create a ‘haven’ on the other side. The maximum distance of the balustrade from the edge should be no more than 500mm.

Where a physical barrier is deemed essential due to the level of risk, but where standard fencing would be aesthetically detrimental to the environment, adequate protection can be achieved through sensitive design and choice of construction materials.

### Edge Gradients

Where the solution identified in the report is to deflect people from the water’s edge, but 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 shore. 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.

## **Signage Information**

### 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 – location of assistance (if applicable) and 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’.
- Numbered or identified to facilitate documented records of a testing regime.
- **Where recommended** - life saving equipment relevant to the risk i.e. *life rings* for high drops into deep water or *throw lines* for long reach or shallow water.
- 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.
- It is recommended that you ‘tag’ the containers so that you can instantly identify if they have been used or vandalised (similar to a fire extinguisher).

### Maintenance Regimes

Life saving equipment should be checked and results documented weekly at well-used locations in the summer and more frequently at exposed locations throughout the year. Additionally, signage should be checked bi-monthly to ensure that it is in place and in good condition. To assist in this procedure it is recommended that all safety equipment and signage be numbered to reflect your documented checklists.

## **6. Site specific recommendations**

This section of the report provides specific guidance on the sites visited during the audit. Additionally the recommendations, which take into account what is considered to be *reasonably practicable*, can be used as generic guidance for similar sites within the city limits. The consultant has prioritised these recommendations to allow the City Council to develop an action plan to implement these recommendations, which he strongly recommends they consider when completing their risk assessment procedures.

*Priority one: Requires action in the short term to address the issues raised*

*Priority two: Requires action as and when finances permit*

*Priority three: Should be considered a long-term improvement.*

## Upper Lake - Roundhay Park

Reference should be made to the detailed specifications for safety measures in Section 5 of this report.

- *It is recommended that 'Emergency Points' be positioned at the main entrances to the site to alert visitors to the specific risks on site and the control measures in place to mitigate these risks. Priority One.*
- *The consultant was concerned about the steep embankment leading down to the water side (as discussed at the time of the inspection) and recommends that chicane type railings be positioned to arrest an out of control cyclist or mother with a buggy. Priority One*
- *Where desire lines have created gaps in the natural edge protection it is recommended that the edge protection be reinstalled (where deemed necessary by the risk assessment) by the planting of hostile vegetation (see Appendix at the end of this report for a planting guide). Priority Two*
- *The position where the water flows in from the upper lake should be protected by band four fencing that should be curled around at the edges to children or youths getting in front of the fencing. Your attention is also drawn to the need to have the fencing as near the edge as possible. Additionally it is recommended that hazard signage conforming to the new BSI for water safety signage indicates 'Deep drop - Danger Keep out'. Both these recommendations are Priority One.*
- *In view of the nature of the water hazard it is recommended that the life saving points be turned in to safety points. It is also considered that 'throw lines' are more appropriate to the risk and should replace the existing life rings. Although this is a Priority Two item it is considered a Priority One item that the existing life rings be provided with lines to enable a rescue to be affected. The signage on the safety points should include 'No swimming - No diving'.*
- *In reviewing the positioning of your safety points it is recommended that you adopt the criteria that one can be seen from whatever location a person is standing on the waters edge. Priority Two.*
- *It is recommended that a safety point with a throw line be located at the boating platform and that an additional second rail be installed in the fencing to prevent young children getting through the barrier. Signage should also indicate 'No Swimming - No Diving'.*
- *Where necessary it is recommended that action is taken to trim the branches overhanging the lake to facilitate better observation, clear lines to use life saving equipment and to prevent youth climbing out over the water. Priority Two.*
- *Where the pathway is very close to the water's edge it is recommend that hostile vegetation be planted to identify the water's edge. Priority Two.*
- *Where benches are provided it is recommended that these do not compromise the recommended width of pathway of 1 metre. Good practice dictates that benches are set back from the pathway so as not to force pedestrians or, in particular, parents with buggies, too close to the water's edge. Priority Two.*
- *When reviewing edge protection it is good practice to protect both sides of a bridge with band four fencing, curled at the edge to prevent access along the sides. It is recommended that you review the bridges around this lake with this criterion in mind. Priority Two.*
- *Finally, wild fowl (in particular ducks and geese) are compromising the edge gradients at certain positions around the lake (see Section 5 edge gradients). It is recommended that action is taken to reprofile this edge where appropriate to 1:3. Priority Two.*

## **Waterloo Lake**

Reference should be made to the detailed specifications for safety measures in Section 5 of this report.

- *It is recommended that you progressively introduce safety points with throw lines across this site. Priority Two.*
- *It is recommended that an additional safety pint be located at the disabled access ramp. Priority One.*
- *It is recommended that band four edge protection is installed around the fishing pegs and that hazard signage identifies the deep water. Priority Two.*
- *It is recommend that the head wall (where the stream enters the lake) be protected by band four fencing and that suitable hazard warnings identify the risk. Priority One.*
- *It is recommended that band four fencing protect the sides of the bridge. Priority Two.*
- *It is considered to be good practice to provide a third rail or mesh infill 150 mm from the ground height where fencing is provided to prevent young children from accessing the water through this exposed gap. Priority Two.*
- *Wild life (in particular ducks and geese) is compromising the edge gradients at certain positions around the lake (see Section 5 edge gradients). It is recommended that action is taken to reprofile this edge where appropriate to 1:3. Priority Two.*
- *Where necessary it is recommended that action is taken to trim the branches overhanging the lake to facilitate better observation, clear lines to use life saving equipment and to prevent youths climbing out over the water. Priority Two.*
- *If in the future a boat club or franchised operation for boat hire is in operation, it is recommended that you review these operations, particularly in view of the City Councils' responsibility under Section Three of the HSWA. Priority Two.*
- *In considering suitable locations for 'No swimming' signage it is recommended that these could be located on posts in the water to reduce the possibility of vandalism or removal to a minimum. However this action must take into account the balance of risks, e.g. that this may encourage members of the public to swim out to the sign and the identified risks to staff in installing the signage. Priority One.*
- *Where the City Council is deliberately pursuing a policy of access for disabled persons to the water, it is recommended that you consider tactile edging to the water to provide an additional safe guard to their security. Priority Two.*
- *It is recommended that suitable signage prohibits the launching of boats from the slipway adjacent to the sluice. Priority Two.*

## **Canal Gardens**

In general terms the water safety arrangements at this site are considered to be satisfactory. However observations made during the audit identify that *signage should be installed at the Fish Pond Wall stating 'Parents - do not allow children to climb onto this wall'. Priority One.*

## **Middleton Park**

This site was subjected to a comprehensive risk assessment as it was used as the training venue for 'water safety training'. Reference should be made to the detailed specifications for safety measures in Section 5 of this report.



One of the main issues effecting the provision of safety measures around this site is the location of the site and the well-documented behavioural issues relating to the persons that visit it. With this in mind the recommendations that follow are designed to be robust and sustainable against determined vandalism and abuse.

- *It is recommended that the Educational Centre be used as a conduit in getting the water safety measure across. Safety signage relating to the park could be displayed within the perimeter fence. In view of the vandalism it is not recommended that life saving equipment be provided. Priority Two.*
- *The edge protection around the lake falls within RoSPA banding 2-3 and no additional fencing is required.*
- *It is however recommended that an emergency point be located at the main car park to the site drawing parent's attention to the water risks in the park. Priority Two.*
- *General 'No swimming' signage conforming to the pictograms in the new BSI for water safety signage should be strategically located on posts in the pond. Priority Two.*
- *In view of the proximity of the playground to the water it is recommended that warning signage remind parents of the adjacent water risk and that the gate be re-hung to open inwards so that young children cannot escape unsupervised from the play area. Priority One.*

### **Gledhow Valley Lake**

The consultant was particularly concerned about the safety provision surrounding this lake. There appear to be a degree of confusion as to who owns or is responsible for the water and surrounding hinterland and this confusion is reflected in some very poor and potentially dangerous conditions.

- *It is strongly recommended that LCC quickly establish who is responsible and enter into a dialogue with them to ensure that remedial measures are instigated as soon as possible. Priority One.*
- *Of particular concern was the lack of any safety signage especially surrounding the dam wall. Hazard markings should be positioned. 'Danger - Deep Drop keep out' signage should be positioned. Priority One.*
- *Additionally there is a need to carry out maintenance to parts of the dam wall that are falling into disrepair. Priority Two.*
- *In addition it is recommended that band four fencing protect the dam wall. Priority Two.*
- *It appears that the mud in the lake is very soft and deep and warning signs should be positioned 'Danger - soft mud keep out'. Priority Two.*
- *The consultant was particularly concerned to observe that persons unknown are getting into the access shaft to vandalise the water flow controls. This is potentially a hazardous confined space and immediate action should be taken to strap and lock this access tunnel and to keep it under supervision. Priority One and Immediate.*

### **Bramley Falls Park**

Reference should be made to the detailed specifications for safety measures in Section 5 of this report.

This site abuts a canal, which is owned and controlled by British Waterways who, as a general policy, do not provide edge protection along the canal banks nor signage and lifesaving equipment. However as riparian owners of the adjacent land, the consultant

recommends that LCC take the following measures to ensure that persons on *their* land are aware and ‘as far as reasonably practicable’ made aware of the risks.

- *It is recommended that where LCC land abuts the canal that a 1-metre strip of untrimmed vegetation be created to define the edge and deflect people from the water’s edge. Priority Two.*
- *It is recommended that LCC position a sign where their pathway leads onto the canal stating ‘Caution - unprotected waters edge - Parents please take care of young children’. Priority Two.*

### **Chippies Quarry**

This is a very deep quarry in quite close proximity to a local school and reference should be made to the detailed specifications for safety measures in Section 5 of this report. It is apparent that LCC does not have a regular maintenance and monitoring system in place for this site.

- *It is recommended that an emergency point be created at the main entrance to the site. In addition to the recommendations in Section Five of this report for emergency points it is recommended that this sign indicates the degree of difficulty to walkers in walking around the perimeter. Refer to the Visitor Safety in the Countryside Groups publication ‘Managing Visitor Safety in the Countryside’ ([www.vscg.co.uk](http://www.vscg.co.uk)). Priority One.*
- *The consultant was concerned that most of the provided rescue equipment was missing, demonstrating that no checking procedure was in place. It is important that the equipment and signage that is recommended in this section is maintained, checked and documented on a regular basis. Priority One.*
- *It is recommended that safety points (with throw lines) are positioned at strategic locations around the quarry and the safety points should emphasise ‘Danger - Deep Water No Swimming. Priority One.*
- *A number of fishing pegs and edge protection measures are in poor condition and require urgent maintenance. Priority Two.*
- *It is good practice to trim branches that overhang the Quarry to discourage youths from climbing over the water. Priority Two.*
- *It is recommended that LCC review its working practices for litter pickers that come onto this site in view of the dangers from the deep water. Priority Two.*
- *In view of the proximity of the adjacent school it is recommended that the interactive teaching pack ‘RU A Dummy 2’ be used to make teachers and children aware of the risks from this deep quarry. Priority Two.*
- *LCC might wish to consider encouraging the fishermen to form themselves into a club so that there is an improved level of control of the activities around the Quarry. Where this has been done at other similar locations, it has had a very positive impact on safety. Priority Two.*

### **Farnley Balancing Pond**

This is a very large balancing pond situated adjacent to a large residential estate. The Environment Agency has clearly taken measures to protect the public from the risk, however the consultant has identified some specific issues that will require discussion with the Environment Agency and LCC to improve safety and bring it in line with current standards. Reference should be made to the detailed specifications for safety measures in Section 5 of this report.

- *The band four fencing in place around the water in considered conforming to RoSPA's guidance, although additional band four fencing is required where there are gaps in the edge protection, particularly in front of the sluices and drainage channels. Priority Two.*
- *It is recommended that the band four fencing is continued to protect the bridges. Priority Two.*
- *It is recommended that a protective grid be positioned over the outflow pipe to prevent children climbing into it. Priority Two.*
- *It is recommended that signage (pictogram) warns of the dangers of deep water and these should particularly be placed along Tong Road. Priority Two.*
- *The review identified that the perimeter fence requires repair as several breaches in this fencing were apparent. Priority One.*
- *The open unprotected flood alleviation drainage channels that are nearly vertical require specific signage 'Danger - Deep Water Keep Out' (pictogram). Priority One.*
- *The level of exclusion edge protection negates the need for lifesaving equipment, however it is recommended that the old disused life saving equipment containers and poles be removed. Priority Two.*

### **Temple Newsam Estate**

The review considered the water safety implications of the ponds and streams in this country park and, in the recommendations that follow, reference should be made to the detailed specifications for safety measures in Section 5 of this report.

*It is recommended that an emergency point as detailed in Section 5 of this report be positioned on the approaches to the ponds.*

#### **Bottom Pond**

*The existing edge protection conforms to RoSPA band two-three edge protection and no additional safety precautions are required.*

- *However it is recommended that you consider as a long-term solution planting hostile vegetation to protect the drop from the bridge. Priority Two.*
- *Signage stating 'Soft mud - No swimming' (pictogram) should be added to the detailed specifications for safety measures in Section 5 of this report, and should be positioned at a strategic location in the pond facing the grass embankment. Priority Two.*
- *The life saving equipment (life rings) positioned at this location are inappropriate for the risk and could encourage people to swim. It is recommend that it be removed. Priority One.*

#### **Mid Lake**

- *Life saving equipment as above. Priority One.*
- *Position signage as above. Priority One.*

#### **Top Lake**

- *Life saving equipment as above. Priority One.*
- *Position signage as above. Priority One.*

### Avenue Ponds

*It is recommended that signage indicates the dangers of a drop from the wall and that persons should not walk on the wall (pictogram). Priority Two.*

### General Health and Safety Observations

- *It is recommended that Rangers be equipped with throw lines and first aid kits to enable them to deal with an incident involving the water. Priority Two.*
- *It is recommended that you review your safe system of work for staff working alongside water and to identify if members of staff can swim. Priority One.*

### Appendix

- RU A Dummy 2
- Risk Safety

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Should you need any further clarification or support please contact the author Peter MacGregor on 0121 248 2000.

# The Royal Society for the Prevention of Accidents



## Water and Leisure Report

April 2007

A Report for Leeds City Council

**Part (1) Generic Water Safety Assessment (safety case) for areas of open water**

**Part (2) Specific Site Reports:**

- (A) Wharfe Meadows Park, Otley (Fast flowing river in an urban environment)**
- (B) Roundhay Park (Lakes in an urban environment)**

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**Subsequently revised by Peter Cornall  
Head of Water and Leisure Safety**

## CONTENTS

### **Part (1) Generic Water Safety Assessment (Safety Case) for Areas of Open Water**

<b>Section</b>	<b>Title</b>	<b>Page</b>
<b>1</b>	Introduction & Terms of Reference	<b>3</b>
<b>2</b>	Summary of Hazard & Risk	<b>3</b>
<b>3</b>	Existing Management of the Risk	<b>4</b>
<b>4</b>	Legal Responsibilities	<b>5</b>
<b>5</b>	Implications of Recent Court Cases	<b>8</b>
<b>6</b>	Risk Assessments – Generic Advice on Safety Measures	<b>9</b>

### **Part (2) Specific Site Reports:**

#### **(A) Wharfe Meadows Park, Otley (Fast flowing river in an urban environment)**

<b>Section</b>	<b>Title</b>	<b>Page</b>
<b>1</b>	Site Specific Recommendations Wharfe Meadows Park	<b>12</b>

### **Part (2) Specific Site Reports:**

#### **(B) Roundhay Park (Lakes in an urban environment)**

<b>Section</b>	<b>Title</b>	<b>Page</b>
<b>1</b>	Site Specific Recommendations Roundhay Park – Lakes in an Urban Park	<b>16</b>
<b>2</b>	Waterloo Lake	<b>17</b>
	<b>Appendices:</b> Site Risk Assessments Site Map Photos Site Signs General Report Appendices	<b>18</b>

# Part (1) – Generic Water Safety Assessment (Safety Case) for Areas of Open Water

## 1. Introduction and Terms of Reference

This report was commissioned by Leeds City Council (LCC) to provide generic guidance on a water safety strategy for two distinctly different areas of open water within City Councils areas of responsibility.

Firstly the review has considered the water safety arrangements for Wharfe Meadows Park Otley as an example of a park comprising of a pedestrian and cycle park along side the River Wharfe used as a pedestrian thoroughfare particularly by school children. The river has historically been particularly prone to flooding, the effects of which severely compromise the safety of the public using this walkway.

Secondly the review considers Roundhay Park as an example of easily accessible lakes within a popular City Centre Park. Roundhay Park (among other sites of open water) was reviewed by the RoSPA consultant in 2005. The opportunity was taken on this visit to review these recommendations again and to assess the implementation of the recommendations by LCC.

This report follows a comprehensive review of the water safety arrangements around these areas of open water and the potential impact on public safety and the moral and legal responsibilities of the Council in the light of recent court judgements and accident investigations.

The report presents two water safety strategies as well as specific prioritised recommendations to risks identified on these sites.

**The recommendations which follow are formulated upon current best practice based on RoSPA's publication 'Safety at Inland Water Sites – Operational Guidelines' and 'Managing Visitor Safety in the Countryside - principles and practice' VSCG Books.**

In carrying out this safety review RoSPA would point out that audits and reviews are by nature a sampling exercise, therefore the reviewer cannot guarantee to identify all safety hazards around the development. Opinion is formed by a review of the site therefore absence of comment on any issue should not be taken to imply that the areas of open water are completely safe. It is therefore implicit in these recommendations that LCC keep the safe operating procedures and risk control arrangements under review.

## 2. Summary of Hazard and Risk

Areas of open water can create a danger to any person walking alongside them and the three main risks associated with the hazard are:

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

### **Drowning**

This can occur from either accidentally falling into or deliberately accessing the water and usually arises from one or more of the following factors:

- Uninformed or unrestricted access to the water hazard
- Ignorance, disregard or misjudgement of the danger
- Lack of supervision
- Inability of the victim to cope (or be rescued) once in danger

Although each of these above may be a contributory factor, the major cause of potential danger on any site will be *ignorance or misjudgement of the danger*.

### **Physical injury**

This is likely to be caused by wet and slippery conditions whereby injuries are caused by falls, slips, trips and entrapment.

### **Potential poor water quality associated health issues**

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

The hazards of the river have the potential to promote a risk to persons using the adjacent pathways. In addition, water, water-based activity machinery and weirs fascinate young children in particular whose natural curiosity can lead them into danger. Furthermore, employees can also be at risk carrying out maintenance work on waterside machinery, as can adults accessing the docks and during the hours of darkness.

## **3. Existing Management of the Risk**

Water hazards when risk assessed are usually controlled by:

- Physical features to deny or control access, such as barriers or gates.
- Education to raise awareness of the dangers by providing information through signage, leaflets, etc.
- Supervision having a physical presence on site.
- By having in place agreed operational procedures such as formal written Normal Operational Procedures (NOP's) and having an Emergency Action Plan (EAP) and, when appropriate, rescue equipment deemed necessary.

A risk assessment review can be used to determine what should be done, but in itself it can be only part of a total assessment strategy. The conducting of such by LCC only ensures that they have a full understanding of the hazards and risks, which are the basic premise of why a risk assessment should be carried out. The risk assessment strategy should highlight the need for documentation such as NOP or EAP, formal supervision or information dissemination arrangements.

The starting point to establish a safe site is to develop a **safety management system**. This is based upon acknowledged good practice and design principals as contained in, for example, HSE publication (HSG 65) '*Successful Health and Safety Management*', BSI (BS 8800,1966) '*Guide to Occupational Health and Safety Management Systems*'.



Both these documents stress that the key to adopting a planned approach to safety management lies in developing an effective approach to risk assessment. At present, there is a requirement under legislation to carry out risk assessments but there is no statutory requirement to put in place specific controls such as fences and rescue equipment although this is implicit in the management regulations.

## 4. Legal Responsibilities

Various pieces of legislation place statutory duties on the site owners of inland water sites, or the person responsible for the site, to provide for the safety and the well being of visitors, which **includes employees and members of the public. The consultant has highlighted those issues, which directly relate to the site-specific recommendations, which follow later in the report.**

Both statute and common law have a relevance to the operation of inland waters.

### Statutory Health and Safety Requirements

**Health and Safety at Work Act 1974:** This is an enabling act with the aim of securing health and safety in the work place. Regulations made under the Act place more specific duties on employers than employees. **Section Three of the 1974 Act** specifically requires every employer to ensure, so far as is reasonably practicable, that he/she takes the necessary steps to ensure the **safety of non-employees affected by his/her activities.**

**The Management of Health and Safety at Work Regulations 1999 (previously 1992):** These were made under the 1974 Act. They require that health and safety be suitably managed so as to control risks effectively and present no harm to people.

**The regulations require that an adequate and suitable assessments of work related hazards should be carried out to determine the preventative and protective steps that must be taken.**

They also require employers to have access to competent advice, to monitor and review their systems, to have emergency procedures and to provide information and training. **They have major implications for the many inland open water sites operators whose activities have a bearing on the public as well as employee safety.**

**The Health and Safety (First Aid) Regulations 1981:** These were also made under the 1974 Act, and are mainly concerned with the provision of first aid for employees. The regulations set out the range of numbers and training of first-aiders, and the type of equipment that should be provided.

**Public Health Act 1936:** This is an enabling law offering local authorities the power to regulate water users (for example, to prohibit swimming).

**Occupiers' Liability Acts 1957 and 1984. This states that the occupier must take reasonable steps to ensure the safety of visitors to his/her land or premises.** This duty is particularly onerous where children are concerned. The occupier owes the duty of care not only to visitors but also to trespassers as well. The earlier Act deals with "visitors" and the later Act deals with "trespassers".

**The Occupiers' Liability Act 1957 provides:**

- "(2) The common duty of care is a duty to take such care as in all the circumstances of the case is reasonable to see that the visitor will be reasonably safe in using the premises for the purpose for which he was invited or permitted by the occupier to be there.
- (3) The circumstances relevant for the present purpose include the degree of care and of want of care which ordinarily would be looked for in such a visitor, so that (for example) in proper cases –
- a) an occupier must be prepared for children to be less careful than adults: and
  - b) an occupier may expect that a person, in the exercise of his calling, will appreciate and guard against any special risks ordinarily incident to it, so far as the occupier leaves him free to do so.
- (4) In determining whether the occupier of the premises has discharged the common duty of care to a visitor, regard is to be had to all the circumstances, so that (for example) –
- a) where damage is caused to a visitor by a danger of which he had been warned by the occupier, the warning is not to be treated without more as absolving the occupier from liability, unless in all the circumstances it was enough to enable the visitor to be reasonably safe; and
  - b) where damage is caused to a visitor by a danger due to the faulty execution of any work or construction, maintenance or repair by an independent contractor employed by the occupier, the occupier is not to be treated without more as answerable for the danger if in all the circumstances he had acted reasonably in entrusting the work to an independent contractor and had taken such steps (if any) as he reasonably ought in order to satisfy himself that the contractor was competent and that the work had been properly done.
- (5) The common duty of care does not impose on an occupier any obligation to a visitor in respect of risks willingly accepted as his by the visitor (the question whether a risk was so accepted to be decided on the same principles as in other cases in which one person owes a duty of care to another)".

**The Occupiers Liability Act 1984 provides :**

- "1(3) An occupier of premises owes a duty to another (not being his visitor) in respect of any such risk as is referred to in the sub-section (1) above. If –
- a) he is aware of the danger or has reasonable grounds to believe that it exists;
  - b) he knows or has reasonable grounds to believe that the other is in the vicinity of the danger concerned (or that he may come into the vicinity of the danger) (in either case, whether he has lawful authority for being in that vicinity or not); and
  - c) the risk is one against which, in all the circumstances of the case, he may reasonably be expected to offer the other some protection.

- (4) Where, by virtue of this section, an occupier of premises owes a duty to another in respect of such a risk the duty is to take such care as is reasonable in all the circumstances of the case to see that he does not suffer injury on the premises by reason of the danger concerned.
- (5) Any duty owed by virtue of this section in respect of a risk may, in an appropriate case, be discharged, by taking such steps as are reasonable in the circumstances of the case to give warning of the danger concerned or to discourage persons from incurring the risk.
- (6) No duty is owed by virtue of this section to any person in respect of risks willingly accepted as his by that person (the question of whether a risk was so accepted to be decided on the same principles as in other cases in which one person owes a duty of care to another)."

**The Health and Safety (Safety Signs and Signals) Regulations 1996:** This implements European Directive 92/58/EEC that came into force in April 1996. This standardises safety signs throughout member states of the European Union. The regulations require employers to use safety signs where there is a significant risk to health and safety of their employees that has not been avoided or controlled by the methods required under other relevant law, provided use of a sign can help reduce the risk.

In implementing the signage requirements identified required by this report, you should also be aware that a new BSI standard has been developed specific to water safety signs. The standard BS 5499-11:2002 was published on 29/07/2002.

RoSPA recommends that any new signs should conform to this standard in the future and that a review of existing signage is carried out. Those that are in need of repair or have poor legibility/clarity of image should be replaced straight away and all others should be subject to programme of replacement. The period of time for such replacement should be 'reasonable' in terms of overall cost against the safety gain or imperative. Overall it would not be unreasonable to expect that all signs should also comply with this new standard within a two-year period (this estimation could be modified by future court actions arising from signage issues).

#### **Other Occupational Health and Safety Duties**

**Operators to whom the 1974 Act applies also have various duties, including the recording, notification and investigation of accidents to the enforcing authority** (e.g. HSE or local authority environmental health departments.) Where a member of the public has drowned or has been taken to hospital for medical treatment, i.e. following a near drowning incident, the appropriate enforcing authority must be notified.

#### **Common Law Duty of Care**

Although there is a lack of legislation in this area, responsible bodies do have powers to effect preventative measures and the site owner must ensure that all facilities and equipment are suitable and safe to use. Under common law, liability to negligence may arise from the breach of fundamental duty, known as a 'duty of care'. The duty 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.

In the case of safe management of inland water sites, **the duty of care means that the burden of taking adequate precautions falls on the site operator. A risk assessment of the facility and equipment should be undertaken and appropriate safety measure adopted.** A normal operating procedures (NOP) document, together with an emergency action plan, should be completed and then monitored and reviewed at regular intervals. Before devising a water safety strategy hazards must be identified, risk determined, and findings recorded. This is a legal requirement under the Management of Health and Safety Regulations 1999. **The duty of care is extended to protect people even from their own ill-judgement or wilful abuse of facility or equipment.**

## 5. Implications of Recent Court Cases

**Although many court cases are relevant to site operators they do not give specific requirements of what has to be done in terms of controlling hazards on any particular body of water. The Tomlinson case and other more recent cases have centred on the issue of liability rather than others factors so they will always be limited in determining what must be done at any particular site or within a water safety strategy.**

**This strategy should include and define what the overall strategy to protect the public is. Recent cases that have gone to the courts appear to be promoting the idea that individuals do have a significant responsibility for their own actions providing that they have suitable and sufficient information to make their own risk assessments, thus they have the ability to make an informed choice about their behaviour.**

The 'Tomlinson' case was taken under the occupier's duty of care to visitors to the site including trespassers and the relevant sections of the Occupiers Liability Act applied.

The circumstances related to a trespasser who broke into Local Authority owned land and dived into a lake occasioning a serious neck injury. Signage and fencing were in place, however a recent safety audit had identified that this was inadequate and the Council had been recommended to make improvements, which they had not done due to fiscal restraints.

The judgement in the litigant's favour rested upon the following factors:

- Where the risk is open to the public and you take active measures to encourage visitors, your safety measures must be particularly effective.
- Where the risk is in a remote area and numbers of visitors are few, your safety arrangements can reflect this reduced pressure from the public.
- The Judgement expected that a Local Authority should have adequate financial resources to implement safety recommendations and not to do so was no defence.

This was a very unusual case and legal opinion is that these particular sets of circumstances are unlikely to occur again. It was also interesting that the award to the litigant was reduced by two thirds due to his wilful neglect for his own safety.

### 5.1 Tomlinson; Explanation Note on its Relevance

*This particular judgement was subsequently overturned at the House of Lords on the basis that this particular person's injury was purely as a result of his own disregard for his safety and that it would have occurred in this instance irrespective of what the landowner had or hadn't done. However if the circumstances were different i.e. it was a child that accidentally fell in and not deliberate access the result would not have been reversed. Once you are aware of any weaknesses in your water safety protection system you need to take reasonable and practical steps to address them.*

The basis of **your** defence against any litigation will be effective risk assessment and implementation of control measures, e.g. band four fencing, life saving equipment (*not applicable in this case*), signage and regular site monitoring. In the RoSPA consultant's the adoption of the following arrangements and prioritised proposals for improvement, based upon a risk assessment, take account of increased public access to the basins both from residents and visitors. This should provide you with an adequate defence as well as meeting your moral obligation to the residents and persons that visit your site.

## 6. Risk Assessments

Under the management arrangements for the Health and Safety at Work Act, you should develop risk assessments for the site that cover:

- *The work of the employees who may visit the site.*
- *The inherent risks posed to employees, contractors, visitors, adjacent residents and others that may visit the site from time to time.*
- *It is recommended that specific risk assessments be made to cover the use of the River and public access to the cycle way. These risk assessments should cover access to the water's edge by large numbers of people who are likely to be in the vicinity and, **additionally, any temporary waterside events**. Control measures should include access to the edge and prohibition, signage, lifesaving equipment (*not applicable in this case*) and emergency response plans.*
- *It is recommended that you have in place a strategy to deal with ice and flooding.*

*Risk assessments and any control measures should be documented and reviewed at least once a year or after any safety critical event.*

### 6.1 Management of the Risk and Site Monitoring

You should give particular attention to the following:

- *It is recommended that you have well documented procedures for hazard spotting and actively monitor the site to ensure that the safety features are working.*
- *All accidents and near misses should be recorded and analysed to monitor that the control mechanisms for identified risks are working.*
- *Develop contingency plans with particular relevance to site access for the emergency services in the advent of an injury or water accident.*

## 6.2 Edge Protection and Exclusion: Generic Issues

Whilst the profile and the nature of the water's edge is a fundamental factor in addressing the risk, improving the edge by exclusion or other measures will not address all of the safety issues. Protective measures should be supplemented by the correct management procedures, the circulation of information, supervision and surveillance (where appropriate) and signage.

Unsupervised open water can present a high level of risk due to the nature and use of the adjacent walk and cycle ways. In reviewing the existing level of protection to the waters edge for both these locations, the RoSPA consultant comments as follows, using for ease of identification RoSPA's banding system.

- When considering the level of waterside edge protection it is recommended that a holistic approach is taken, considering the nature of the edge and the type of use and potential use the walkways path will be put to.
- Fast flowing rivers can, in spate or higher conditions can be deep (for example) and may also be abounded by high walls. Falling into the river could potentially be fatal and self-rescue would be difficult. Experience demonstrates that in urban areas the only practical solution to address this risk is to position '*band four fencing*' which will provide exclusion from the water's edge.
- On the other hand lakes particularly where they are easily assed by the public, can attract swimmers during hot weather who may be completely unaware of the risks of deep water and the potential for thermal inversion (differences in temperature of the water at various depths).
- '*Band four fencing*' should meet all the normal standards as laid down in the building regulations, regarding height, spacing of railings and non-climb design (see *Appendix Two, edge protection for urban water sites-band four fencing*).
- *Vertical railings have been traditionally chosen to fulfil this role, but in recent years alternatives have been designed (to RoSPA's approval) which still meet these criteria. Horizontal railings can be effective, (as used on the Thames Embankment, Millennium Bridge, Chatham Maritime and Gunwharf Quays, Portsmouth Harbour) if the fence as a whole is cantilevered inward toward the top.*
- Band four fencing should also be positioned where there are specific hazards (weirs, pinch points culverts etc), along otherwise unprotected water's edge.

## 6.3 Signage: Generic Issues

As part of the overall safety strategy, the following measures should be undertaken to improve and ensure greater awareness of the potential dangers of the water.

- **Multi signs (Emergency Points)** should be provided at key entrances to the sites and strategic positions i.e. car parks.
- *These signs should utilise pictograms to indicate safety messages relating to the danger of the water i.e.*
  - *Your location*
  - *Do not enter the water*
  - *No Swimming*
  - *Keep children under supervision*
  - *Action to be taken in an emergency*
  - *Examples of safety signage to be found at the location*
  - *Location of the nearest telephone and security office*

- *You should consider targeting the adjacent residential areas with specific water safety information such as a leaflet campaign advising of the water risk and the need to keep young children under supervision.*
- Space should also be provided for the positioning of temporary notices:

*'Dangerous - Ice take care!'*

*'Footpath and surrounds flooded - take care!'*

***Please note that the integrity of the signage should be checked on a regular basis and documentary evidence retained.***

#### **6.4 Public Rescue Equipment: Generic Issues**

The consultant has in certain areas recommended a high level of edge protection, where additionally life saving equipment is recommended; it should meet with the following criteria:

- *It is recommended that you incorporate safety signage and lifesaving equipment into a combined position known as a **safety point**.*
- ***Life rings** should be considered where there is a substantial drop into deep water whereas **throw lines** should be considered for all other locations.*
- ***The safety point** should repeat the messages found on the **multi point (Emergency Point)** at the entrance (see above).*
- *The positioning of the **safety point** (where recommended) should meet the criteria that a visitor can see one from whatever location they are at the risk.*
- *All **safety points** should be identified by a number and checked on a **weekly** basis and documentary evidence retained of this check.*
- *Safety points should be positioned in dedicated containers, which can be accessed by the disabled as well as children and be visible at night.*
- *The 'Perry lines' within the ring should be regularly checked for damage by ultra violet light.*
- *The length of the rescue line should be relevant to the length of drop into the water. (i.e. not too short!)*

#### **6.5 Water Quality: Generic Issues**

Although there is no legal requirement to carry out water quality testing it would be advisable to do this initially to determine the current position of the water and then periodically in the future. It is equally important to monitor other factors that could affect water quality.

Letospirosis (Weil's Disease is a form of this) is found around water and is spread by rats. Although it is not possible to test water for its presence meaningfully, rats should be discouraged from the site and pest control measures introduced as required. Litter, debris and other material likely to provide shelter and food for rats should be removed regularly and action taken if it is found to be the case.

## **Part (2) A – Wharfe Meadows, Titty Bottle and Manor Parks**

### **1. Site Specific Recommendations**

The following recommendations follow a comprehensive site inspection by the RoSPA consultant. As discussed earlier in the report the recommendations are made to facilitate LCC in meeting their legal obligations and in particular those items that have been highlighted in Section 4 '*Legal Responsibilities*'.

You will need to have a documented prioritised schedule as to how you propose to implement the control measures raised.

#### **1.1 Summary of Rationale for Recommendations**

RoSPA visited the site in the autumn and subsequently came up with a clear solution to the considerable water safety hazard viewed on site, that primarily being the presence of large steep weir that is found within the site, this weir which is 75m long and has a fall of 5-6m on the downstream side is little more than 20m downstream from the wildfowl feeding area that is popular within the park. In any raised water levels this weir would be very dangerous, which lead the consultant to suggest linking up the existing fencing that was onsite. RoSPA would never usually recommend the fencing off of waterways, but due to the presence of such a large and potentially dangerous weir we felt that this time some edge protection was required to stop deliberate access to the weir and protect those that accidentally fall in from being swept over the weir.

The initial suggestion for fencing is for the same hip/waist high 1.1m bow topped ornamental Victorian park fencing that is along the walkway by the children's playground downstream of the weir, together with gates within the design for controlled access to the river. This open design fencing would not preclude the feeding of water fowl nor present such a challenge that youths would endanger themselves by getting over it, any design would need to allow for access and egress at the stepped down area.

Public rescue equipment was felt to be of little effect on this site as it was explained that there had been difficulties in ensuring it was in place when needed and at this site particularly, those untrained in using throws lines and life rings would be particularly at risk themselves when attempting to use them. All too often the, would be rescuer becomes a casualty themselves. The original solution was then one that was clear, simple and unambiguous one that would be effective in times of flood, the edge of the river would be visible, and the strategy for public safety was not reliant on signage and public rescue equipment.

It is very difficult to use the history of the site to always determine the level of risk and so come up with sensible balanced control measures. There is no very recent record of any children drowning at the site and inland water site drownings that repeatedly occur at the same site are very rare, however RoSPA drowning statistics show that between 1989 and 2006 there were 25 fatalities in the River Wharfe of which 6 where in and around Otley. There are more than 350 inland water site related fatalities each year in the UK, that's one a day and the majority will occur at virgin sites i.e. that's the first time its happened here and often then steps are taken to try to prevent further fatalities. A number of people have drowned in the River Wharf both upstream and down stream of the Park and because no records are kept we have no idea of the number of near misses and serious incidents there might have been at this site.



In defending RoSPA's decision we are a water safety department with considerable knowledge and expertise and have visited thousands of inland water sites in the UK and our consultancy advice is backed up by our unrivalled analysis of drowning incidents in the UK. RoSPA with the RLSS and the newly created National Water Safety Forum produce the only reliable drowning data in the UK and so understand fully the issues around water safety.

The difficulty in assessing this site is that the River Wharf, a typical Yorkshire river draining the limestone and in places grit stone Pennines and dales, is subject to substantial variances in flow and height. During the summer in periods of dry settled weather, the flow will be such that relatively only a trickle will be going over the weir and the historical hiring of rowing boats shows that the weir creates almost a pool upstream, which apart from the depth would be relatively benign. A completely different scenario can be found during the winter when the whole of the lawned area adjacent to the steps can be flooded when the river is running 2m or 3m higher and flowing at up to 10mph or more.

#### **Site Visit Observations 8/03/2007**

The river, as a result of the heavy rain of last week end, was running at a medium level but meant that at the base of the steps the river was about 750mm in depth shelving off quite quickly to over 2m and was flowing at about 5 mph and throughout the 3 hours that I there, the park was very popular with parents with young children and toddlers feeding the wildfowl, some parents stayed at the top of the steps some went further down, some parents held their toddlers or kept their children in arms reach, others didn't, reinforcing my opinion that they were not really aware of the hazards on site.

## **1.2 Subsequent Recommendations**

### **Edge protection**

Edge protection is required and signage can be used to support water safety. This is an urban site and those that access the site from the playground and downstream expect the path to be a significant distance away from the water and where it is adjacent to the water it is currently fenced, we always strive to be consistent in our approach either there is open access or not, compromises and a mixed approach send out mixed safety messages. Tourists and those not familiar with the site would not be aware that when turning around the bend they would currently be met with an absence of fencing up to and beyond the weir.

A option version for an aesthetically more acceptable design to edge protection, would involve the positioning of fence lines along the existing low wall/coping stone top and encouraging the main pedestrian flow through the park where possible on pathways away from the waters edge. This design would allow for easier egress for canoeists so that they can get out of the river upstream and portage around the weir. There would still be a fence and the main walkway would be back from the river for those who do not want to expose themselves to the river and those that do make a conscious decision to do so by going to the stepped area aware of the hazard. This version would allow emergency and rescue service vehicles and watercraft to access the stepped area.

The specific location and detailing of the fencing and gates can be seen in the annotated photographs and site plans. The fencing would need to be a non-climb design such that already exists on site, the bow topped fencing meets the requirement. It is designed to stop deliberate access from those of 8 years and younger and accidental access by older children and adults.

*The rest of the walkway up to the concrete pad should be protected by urban bow top fencing again with suitable signage (this bow top fencing will link with the existing fencing). This level of fencing should be enhanced by a 2-meter area of untrimmed vegetation to discourage access to the waters edge up to the white bridge.*

*It is recommended that you verify the condition of the fencing on this bridge, where it crosses the river, and take any necessary remedial measures*

### **Rescue Equipment**

In view of the recommended level of edge protection - urban bow top and the identified likely hood of vandalism to rescue equipment the consultant does not in this case recommend the provision of rescue equipment.

- *All evidence of previous lifesaving (now defunct) equipment including housings and posts should be removed.*

Consideration should be given to enhancing staff training to cover land based rescue techniques, especially if they are subsequently equipped with throw lines / reach poles.

### **Signage and Information Provision**

Location and distribution as per the LCC risk assessment plan, however signage is now elevated in terms of its priority within the overall water safety strategy and when deciding on the specific location reference should be made to the guidance supplied and that it conforms to the relevant BSI standards. It is essential that adults and those supervising young children are aware of the hazard on site, can make an informed choice and know what to do in an emergency.

- *It is recommended that '**Multi points**' (see generic recommendations in section 6.3 above) be positioned at either end of the walkway. Positioned so the public can see them as the access the walkway.*
- *Repeat '**nag sign**'s should be positioned at regular intervals along the Urban Bow top fencing. (See recommendations for signage for **safety points** in section 6.3 above, although as previously recommended life saving equipment will not be provided)*
- *In view of the importance of this signage in the implementation of your 'safety case' you will need to make specific arrangements to ensure the signs are as vandal proof as possible.*
- *You should make regular inspections of both the signage and the fencing and carry sufficient spares to address any issuers identified.*

- *It is important that these inspections visits are documented and any remedial measures with close out actions are recorded.*
- *It is recommended that you provide water safety advice to the fishermen on the annual and day tickets.*

### **Additional Health and Safety Considerations**

The following Health and Safety measures are considered necessary for the overall safety management of the park:

In terms of emergency conditions and incident response it is essential that you liaise with both the Environment Agency, the Emergency Services particularly the Fire and Rescue Service and the Councils own Civil Emergency Planning Department about incident response and planning. This could mean that, as part of your flood contingency planning you might need to develop a procedure to close the park. It would be useful to make these organisations aware of your water safety strategy for Wharfe Meadows Park.

- *Where staff operate under 'lone working' conditions it is recommended that they carry throw lines and radios, and are appropriately trained to use these, and importantly recognise their limitations.*
- *It is recommended that you develop a 'Special events' risk assessment for the Boxing Day swim.*

### **1.3 Titty Bottle Park**

- *It is recommended that you take action to cut the trees over hanging the river, which act as a magnet to children to climb over the water.*

### **1.4 Manor Grath Park**

- *It is recommended that you allow for a two-meter area of un-trimmed vegetation at the water edge.*
- *It is recommended that a 'Safety Point' (without a life-ring) be positioned at a central location at the waters edge.*

## Part (2) B – Roundhay Park - Lakes in an Urban Park

### 1. Upper Lake - Roundhay Park

Reference should be made to the detailed specifications for safety measures in Section 6 of this report and the appendices.

- *It is recommended that 'Emergency Points' be positioned at the main entrances to the site to alert visitors to the specific risks on site and the control measures in place to mitigate these risks.*
- *The consultant was concerned about the steep embankment leading down to the water side (as discussed at the time of the inspection) and recommends that chicane type railings be positioned to arrest an out of control cyclist or mother with a buggy.*
- *Where desire lines have created gaps in the natural edge protection it is recommended that the edge protection be reinstalled (where deemed necessary by the risk assessment) by the planting of hostile vegetation.*
- *The position where the water flows in from the upper lake should be protected by band four fencing that should be curled around at the edges to children or youths getting in front of the fencing. Your attention is also drawn to the need to have the fencing as near the edge as possible. Additionally it is recommended that hazard signage conforming to the new BSI for water safety signage indicate 'Deep drop - Danger Keep out'.*
- *In view of the nature of the water hazard it is recommended that the life saving points be turned in to safety points. It is also considered that 'throw lines' are more appropriate to the risk and should replace the existing life rings. Although this is a Priority item it is considered that the existing life rings be provided with lines to enable a rescue to be affected. The signage on the safety points should include 'No swimming - No diving'.*
- *In reviewing the positioning of your safety points it is recommended that you adopt the criteria that one can be seen from whatever location a person is standing on the waters edge.*
- *It is recommended that a safety point with a throw line be located at the boating platform and that an additional second rail be installed in the fencing to prevent young children getting through the barrier. Signage should also indicate 'No Swimming - No Diving'.*
- *Where necessary it is recommended that action is taken to trim the branches overhanging the lake to facilitate better observation, clear lines to use life saving equipment and to prevent youth climbing out over the water.*
- *Where the pathway is very close to the water's edge it is recommend that hostile vegetation be planted to identify the water's edge.*
- *Where benches are provided it is recommended that these do not compromise the recommended width of the pathway of 1 metre. Good practice dictates that benches are set back from the pathway so as not to force pedestrians or, in particular, parents with buggies, too close to the water's edge.*
- *When reviewing edge protection it is good practice to protect both sides of a bridge with band four fencing, curled at the edge to prevent access along the sides. It is recommended that you review the bridges around this lake with this criterion in mind.*
- *Finally, wild fowl (in particular ducks and geese) are compromising the edge gradients at certain positions around the lake (see Section 5 edge gradients). It is recommended that action be taken to reprofile this edge where appropriate to 1:3.*

## 2. Waterloo Lake

Reference should be made to the detailed specifications for safety measures in Section 6 of this report.

- *It is recommended that you progressively introduce safety points with throw lines across this site.*
- *It is recommended that an additional safety point be located at the disabled access ramp.*
- *It is recommended that band four-edge protection is installed around the fishing pegs and that hazard signage identifies the deep water.*
- *It is recommended that the head wall (where the stream enters the lake) be protected by band four fencing and that suitable hazard warnings identify the risk.*
- *It is recommended that band four fencing protect the sides of the bridge.*
- *It is considered to be good practice to provide a third rail or mesh infill 150 mm from the ground height where fencing is provided to prevent young children from accessing the water through this exposed gap.*
- *Wild life (in particular ducks and geese) is compromising the edge gradients at certain positions around the lake (see Section 6 edge gradients). It is recommended that action be taken to reprofile this edge where appropriate to 1:3.*
- *Where necessary it is recommended that action is taken to trim the branches overhanging the lake to facilitate better observation, clear lines to use life saving equipment and to prevent youths climbing out over the water.*
- *If in the future a boat club or franchised operation for boat hire is in operation, it is recommended that you review these operations, particularly in view of the City Councils' responsibility under Section Three of the HSWA.*
- *In considering suitable locations for 'No swimming' signage it is recommended that these could be located on posts in the water to reduce the possibility of vandalism or removal to a minimum. However this action must take into account the balance of risks, e.g. that this may encourage members of the public to swim out to the sign and the identified risks to staff in installing the signage.*
- *Where the City Council is deliberately pursuing a policy of access for disabled persons to the water, it is recommended that you consider tactile edging to the water to provide an additional safe guard to their security.*
- *It is recommended that suitable signage prohibit the launching of boats from the slipway adjacent to the sluice.*

### **Royal Society for the Prevention of Accidents**

Peter MacGregor for the 3.11.2006  
Revision by Peter Cornall 8.03.2007

# Site Risk Assessments

## General notes to accompany Risk Assessments

Members of the Water Safety Incident Group (Denise Preston, Sean Flesher, Chris Ingham), Chris Lenton-Cliffe, Phil Staniforth and Peter Cornall, Head of Water Safety for RoSPA visited the site on Friday 30<sup>th</sup> March 2007 to discuss and draft the risk assessments for Wharfemeadows Park, Tittybottle Park and Manor Park.

There is a considerable water safety hazard, primarily being the presence of the large steep weir that has a fall of 5 – 6m on the downstream side and is little more than 20m downstream from the wildfowl feeding area that is popular in the park. Existing controls on site include two warning signs in Wharfemeadows Park and one in Manor Park stating 'this river is dangerous – keep out.' One of the signs had been graffitied out. There were two posts along the river bank that used to house liferings, both the housing and ring had been stolen. An ornamental bow top fence has been erected on the river bank adjacent to the playground to prevent children slipping down the bank at this point.

At the time of the visit there were two 9 year old children playing in the river below the level of the weir. Their clothes had been left by the warning sign. There was also a young child (toddler) leaning over the low wall unsupervised by the accompanying carer. Officers who know the site are aware that young people jump and dive off the river bank into the water at various points above the weir particularly during summer and that children regularly walk along the low wall top creating a genuine slip or trip hazard from the unprotected edge into the river. The RoSPA representative stated that there had been 25 known drownings in the River Wharfe.

It is recommended that multi-points safety signage be positioned at all main park entrances, positioned so the public can see them as they access the park. Repeat nag signs should be positioned at regular intervals along the water front. All signage will conform to 'The Health and Safety (safety Signs and Signals) Regulations 1996' and BS 5499.

The low wall along the unprotected river edge in Wharfemeadows Park and Tittybottle Park is a slip and/or trip hazard for children and young people. The low wall and the drop into the river would make rescue difficult. The suggestion is to install to a height of 1.1m bow topped ornamental Victorian style fencing along the low wall top from the road bridge to the playground in Wharfemeadows Park and along the complete length in Tittybottle Park.

Consideration was given to an alternative fence line running along the main park path from Bridge Street to Farnley Lane. On evaluation of the risk assessment this did not reduce the potential hazard and risk rating of children and young people slipping / tripping from the wall top into the river.

The riverside steps are a popular area for visitors to feed the birds. There is a potential for children, young people and old people to accidentally slip or trip into the water. There are two known incidents from this site. In May 2004 a young child with a fishing net slipped into the water and was rescued by a passer by. There were no known injuries. In March 2006 an old lady slipped into the water and again had to be rescued. The lady had to be taken to hospital and died a few months later. The lady's daughter suggests that this was the primary cause of her death. The group discussed this and felt that the steps did not require fencing as there was a high likelihood that anybody falling into the water at this point could easily be rescued. Suggested controls at this point are to install warning signs on the steps, highlight the step edge and undertake repairs to the steps. The rationale for the steps was considered and as there is future potential to reintroduce boating on the river and that they are a major feature of the park a decision to retain the steps was made.

Access to 'holbeck' will be controlled by the installation of drop gates and ornamental band 4 fencing. Signage (pictograms) should be placed on these gates – Danger Keep Out.

Because of the high numbers of children using this area it was agreed to continue the line of band 4 fencing in front of the playground along the water's edge up to the concrete pad at the top of the rise.

Along the rest of the river bank down to the white bridge and along the river bank in Manor Park it was agreed to establish a 2m area of untrimmed vegetation at the bank edge.

At the base of the white bridge the concrete plinths supporting the bridge were a potential slip/trip hazard into the river, therefore this area will be protected by ornamental band 4 bow top fencing.

Public rescue equipment was thought to be of little effect as there had been difficulties in ensuring it was in place when needed and those untrained in using throw lines and life rings would be particularly at risk themselves when attempting to use them.

According to the Environment Agency information the River Wharfe has at the upstream end of the landing station at Wharfemeadows Park a 20% chance that the river will reach or exceed the banking at this point. This means that on average the banking level will be reached or exceeded once in any 5 year period. Data obtained from the Environment Agency from 2004 to date indicates that the river has exceeded the river bank above the weir on two occasions (10/08/04 and 08/01/05). The difficulty here is to predict flood situations and be able to effectively close the park in event of a flood. This is difficult because the river has substantial variances in flow and height, there are many entrances to the park and resources may not be available at the right time to implement physical actions on the ground. Therefore it was agreed that the solution is to make the edge of the river visible by the installation of the fencing along the wall top. Although there is no fencing on the steps area the line of the fence either side clearly defines the bank at this point.

# RISK ASSESSMENT FORM

C O N S E Q U E N C E	RISK RATING MATRIX	LIKELIHOOD				Improbable / Negligible(D)
		Probable (A)	Possible (B)	Remote / Unlikely (C)		
	Fatal injuries (4) Permanent Environmental Effect	High (4A)	High (4B)	Medium (4C)	Low (4D)	
	Major Injuries (3) Major Environmental Effect	High (3A)	High (3B)	Medium (3C)	Low (3D)	
	Minor Injuries (2) Minor Environmental Effect	Medium (2A)	Medium (2B)	Low (2C)	Low (2D)	
	Negligible Injuries (1) Negligible Environmental Effect	Low (1A)	Low (1B)	Low (1C)	Low (1D)	

**ACTIVITY / LOCATION: Manor Park water safety (see accompanying plan)**

HAZARD	EFFECT	RISK RATING	CONTROL (Reference to other documents, codes of practice, Department Rules, Divisional Rules etc. if relevant )	RESPONSIBILITY (preferably named individual or job title)	RESIDUAL RISK RATING
Unprotected water edge (G to H).	Trips into water Injury / Drowning (all persons especially young and old persons)	4B	Create 2m strip of untrimmed vegetation to define river bank edge.	Interdepartmental Water Safety Group	4D
Access to unprotected water's edge for fishing.	Otley Angling Club members and associated visitors	4B	Write to club providing water safety advise and a recommendation that they provide the same advise to members and visitors on day tickets and/or annual year books.	Chief Recreation Officer	4C
Unprotected water's edge.	Injury / Drowning (all persons especially visitors)	4B	Install and maintain multi-point safety signage at main park entrances. Installation of nag signs at regular intervals.	Chief Recreation Officer	4C
Intentional access to waters edge and entry into river.	Injury / Drowning (all persons especially visitors)	4B	Install and maintain multi-safety signage at main park entrances. Installation of nag signs at regular intervals.	Chief Recreation Officer	4C

Assessment by (Print Name) ..... Signature ..... Date .....

Review date (if applicable) .....

Note: Any assessments carried out for expectant mothers and young persons etc must be in conjunction with Health and Safety Manager



# RISK ASSESSMENT FORM

C O N S E Q U E N C E	RISK RATING MATRIX	LIKELIHOOD				Improbable / Negligible(D)
		Probable (A)	Possible (B)	Remote / Unlikely (C)		
	Fatal injuries (4) Permanent Environmental Effect	High (4A)	High (4B)	Medium (4C)		Low (4D)
	Major Injuries (3) Major Environmental Effect	High (3A)	High (3B)	Medium (3C)		Low (3D)
	Minor Injuries (2) Minor Environmental Effect	Medium (2A)	Medium (2B)	Low (2C)		Low (2D)
	Negligible Injuries (1) Negligible Environmental Effect	Low (1A)	Low (1B)	Low (1C)		Low (1D)

**ACTIVITY / LOCATION: Tittybottle Park water safety (see accompanying plan)**

HAZARD	EFFECT	RISK RATING	CONTROL (Reference to other documents, codes of practice, Department Rules, Divisional Rules etc. if relevant )	RESPONSIBILITY (preferably named individual or job title)	RESIDUAL RISK RATING
Low wall adjacent to path and water's edge (see plan H to I).	Trips / Falls into river. Injury / drowning (all persons)	4B	Installation and maintenance of ornamental bow top fencing along wall top.	Chief Recreation Officer	4D
Intentional access to waters edge and entry into river.	Injury / Drowning (all persons especially visitors)	4B	Install and maintain multi-point safety signage at main park entrances. Installation of nag signs at regular intervals.	Chief Recreation Officer	4C

Assessment by (Print Name) ..... Signature ..... Date .....

Review date (if applicable) .....

Note: Any assessments carried out for expectant mothers and young persons etc must be in conjunction with Health and Safety Manager

# RISK ASSESSMENT FORM

C O N S E Q U E N C E	RISK RATING MATRIX	LIKELIHOOD			
		Probable (A)	Possible (B)	Remote / Unlikely (C)	Improbable / Negligible(D)
	Fatal injuries (4)/ Permanent Environmental Effect	High (4A)	High (4B)	Medium (4C)	Low (4D)
	Major Injuries (3)/ Major Environmental Effect	High (3A)	High (3B)	Medium (3C)	Low (3D)
	Minor Injuries (2)/ Minor Environmental Effect	Medium (2A)	Medium (2B)	Low (2C)	Low (2D)
	Negligible Injuries (1)/ Negligible Environmental Effect	Low (1A)	Low (1B)	Low (1C)	Low (1D)

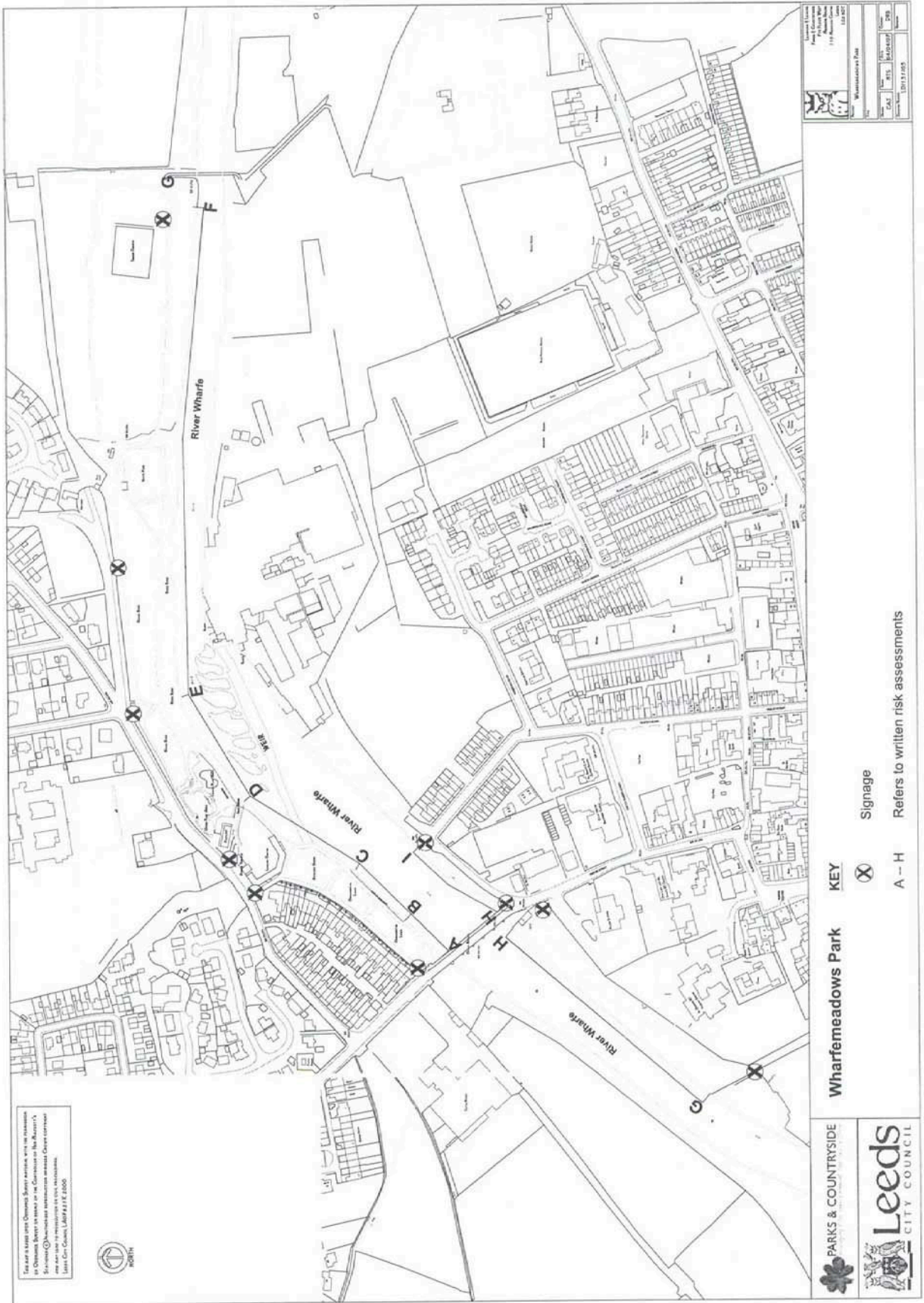
## ACTIVITY / LOCATION: Wharfemeadows Park water safety (see accompanying plan)

HAZARD	EFFECT	RISK RATING	CONTROL	RESPONSIBILITY	RESIDUAL RISK RATING
Low Wall by unprotected water's edge adjacent to path (see plan A to B and C to D)	Trips / Falls into river or rocks on river bed. Injury / drowning (all persons)	4B	Install and maintain ornamental bow top fencing along wall top.	Chief Recreation Officer	4D
Unprotected water's edge near to children's playground (see plan D to E)	Falls into river Injury / drowning (all persons particularly children and young people)	4B	Install and maintain ornamental bow top fencing along path edge.	Chief Recreation Officer	4D
Unprotected water's edge at base of white bridge (see plan F to G)	Trips / Falls into river. Injury / Drowning (all persons)	4B	Install and maintain ornamental bow top fencing at base of white bridge.	Chief Recreation Officer	4D
Unprotected access into 'holbeck.'	Trips / Falls. Injury / Drowning (all persons)	4B	Install and maintain of drop gates together with ornamental band 4 bow top fencing either side of inlet.	Chief Recreation Officer	4D
Steps down to water's edge (see plan B to C)	Trips into water Injury / immersion (all persons especially young and old persons)	3B	Install and maintain warning signs on steps. Highlight step edge and undertake repairs to steps.	Chief Recreation Officer	3C
Access to unprotected water's edge for fishing.	Trips into water. (Otley Angling Club members and associated visitors.)	4B	Write to club providing water safety advise and a recommendation that they provide the same advise to members and visitors on day tickets and/or annual year books.	Chief Recreation Officer	4C

## RISK ASSESSMENT FORM - Cont'd .....

<b>ACTIVITY / LOCATION: Wharfemeadows Park water safety (see accompanying plan)</b>					
HAZARD	EFFECT	RISK RATING	CONTROL	RESPONSIBILITY	RESIDUAL RISK RATING
Unprotected water's edge (see plan E to F).	Trips into water / Injury (all persons especially young and old persons)	4B	Create 2m strip of unstrimmed vegetation to define river bank edge and prevent unintentional access.	Chief Recreation Officer	4D
Intentional access to waters edge and entry into river.	Injury / Drowning (all persons especially visitors)	4B	Install and maintain multi-point safety and information signage at main park entrances. Installation of nag signs at regular intervals.	Chief Recreation Officer	4C
Unprotected water's edge.	Injury / Drowning (all persons especially visitors)	4B	Install and maintain multi-point safety and information signage at main park entrances. Installation of nag signs at regular intervals.	Chief Recreation Officer	4C
Flooding of the river into park creating an indistinguishable river edge.	Injury / Drowning (all persons especially visitors)	4B	Installation and maintenance of ornamental bow top fencing and signage to define water's edge.	Chief Recreation Officer	4C
Assessment by (Print Name) ..... Signature ..... Date .....					
Review date (if applicable) ...12 months or whenever change to stock management policy.....					
Note: Any assessments carried out for expectant mothers and young persons etc must be in conjunction with Health and Safety Manager					

# Site Map



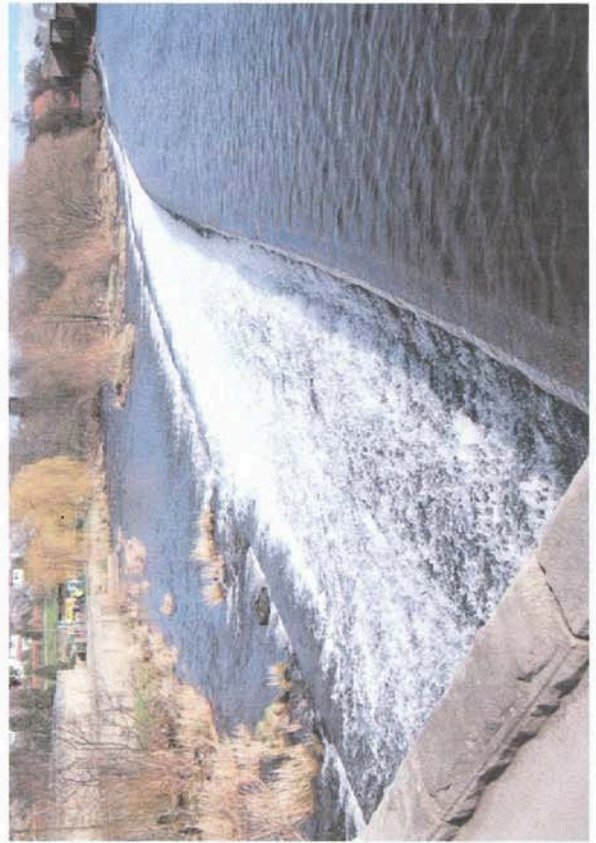
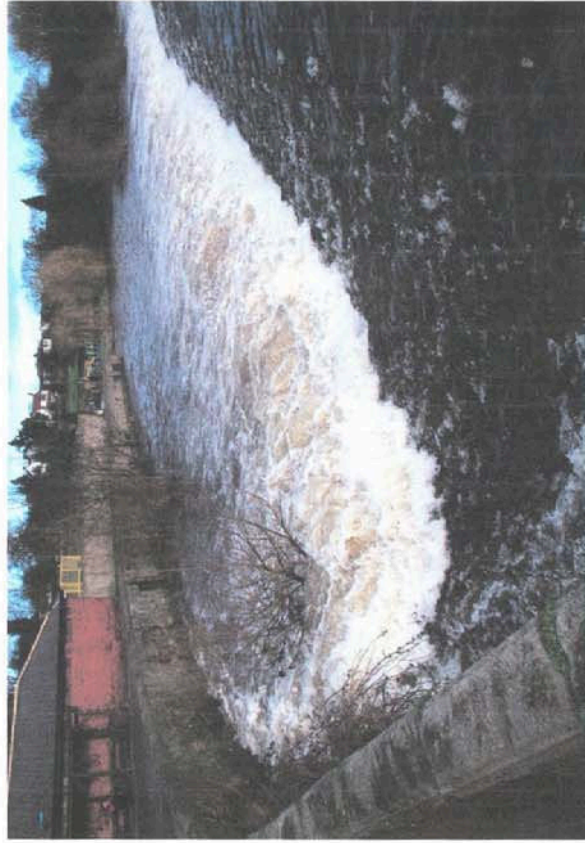


## Titty Bottle Park Fencing



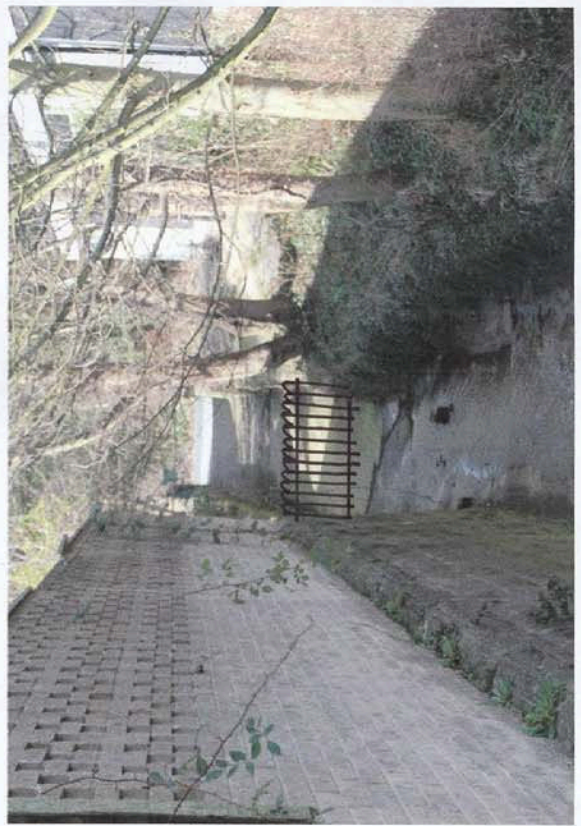
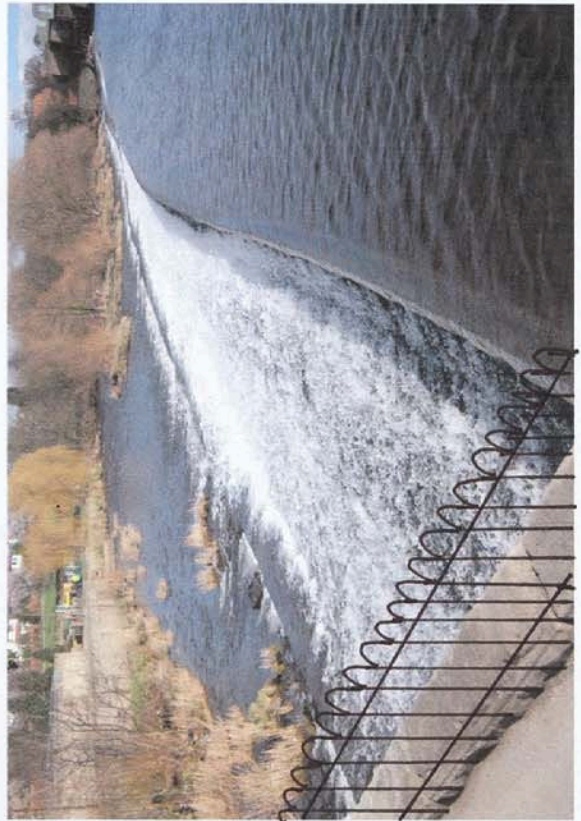


**Wharfe Meadows Park Weir in Low and High Water Levels**





**Fence Details Around 'Holbeck' Sluice & Weir**



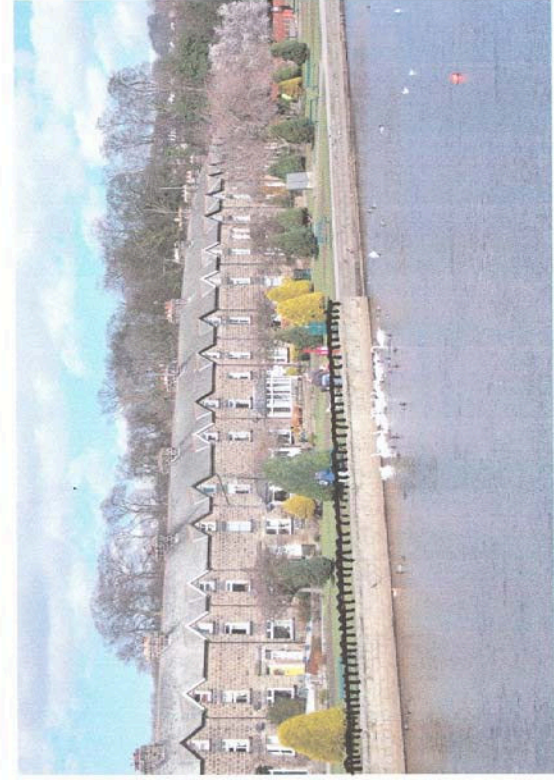


**Extension to Existing Fencing Around and Leading up to the Children's Playground**





# Wharf Meadows Park Fence Detail



## Entrance Sign (1)

**Welcome to Wharfe Meadows Park**

**In an emergency please call 999**

**The nearest public phone box  
is on the corner of**

**Location information**

**Please report any damage or incidents to the Leeds City  
Council on 01XX XXX XXXX or email XXX@XXXX.XXX**

## Entrance Sign (2)

Please keep to designated pathways & do not enter the water



Parents are reminded to supervise their children at all times

## Nag Sign





## Signage Information

The provision of signage information is a key tool for any landowner in ensuring that they fully discharge their duty of care to the public. Warnings and safety information are an important part of any risk management strategy, whether reinforcing other control measures or standing alone as the key means of protection.

Great care must be given to the extent and type of messages given to visitors. There is a fine balance to be struck between ensuring that visitors are informed about the hazards on a site and the need to preserve the essential nature of that environment.

**It is worth stressing that the level of information required on site will depend upon a number of factors, including the complexity of the site and the type of users expected on site. The application of signage as a risk control measure should take consider each location on an individual basis, using a risk assessment framework.**

The following document looks at the general principles behind safety signs in an inland context.

## Information in Context

The first consideration of a strategy for accident prevention should always be to try to remove the hazard completely. If this is not practicable, reasonable steps should be taken to reduce the level of risk. The provision of information is extremely important where it is difficult to control risk adequately by other means.

In the open water environment it is totally impractical and unreasonable to deny access or provide supervision along every water's edge. A balanced approach is required using a package of preventive measures, underpinned by a comprehensive information-giving strategy.

## Safety Signs and Notices

### **Specifications**

The Health and Safety (Safety Signs and Signals) Regulations 1996 apply to employers and their employees. They do not place any duty on the employer to provide signs to warn other people (e.g. visitors) of risks to their health and safety. However under Section 3 of the Health and Safety at Work etc. Act 1974 many operators do have duties regarding the health and safety of non-employees. The Regulations and accompanying guidance can be helpful in meeting these general duties.

The Regulations specify the colourings and marking needed for safety signs, and are consistent with British Standard 5378: 1980. Wherever possible, pictograms should be incorporated to provide clear, sharp messages people of all nationalities.

In 1988 RoSPA's National Water Safety Committee approved a range of pictogram

### Signage Information

signs for water safety which comply with BS 5378 and these are now commonly seen at all types of water venues across the country. These signs have formed the basis of the new Standard BS5499: 2002 *Part 11 Water Safety Signs*. Images or signs that are not covered by the standard can be designed but should conform to BS 5499-6:2002 *Design of graphical symbols for use in safety signs – Requirements*.

RoSPA recommends that any new signage should conform British Standard 5499-11: 2002 in the future and that a regular review of existing signage is carried out.

**Prohibition**

Red background, white text

Prohibition information. The most common will be 'No Swimming' and 'No Diving'.



**Hazard**

Yellow background, black text

Warning information, particularly regarding hazards such as strong currents, shallow or deep water.



**Mandatory**

Blue background, white text

Mandatory information, for instance, 'lifejackets must be worn'.



**Information**

White background, black text

All other information that relates to safety messages given.



**Safe Condition**

Green background, white text

Includes information regarding the location of first aid and emergency telephones.



**Placement & use of signage**

Appropriate placement and use of signage is key to conveying the right message to the right people. Too much information and signage can prove counter productive, and in many cases will undermine the benefits of visiting open spaces.

The correct application of signage will be achieved only by undertaking a site risk assessment exercise, with due consideration to the following factors:

- Activities occurring on site
- Ease of site access
- Extent of the hazard(s) on the site
- Extent visitors are invited / encouraged onto the site
- Formal control / management on the site
- Heritage and other considerations (AONB, SSSI)
- Hinterland activity and local populations (schools, young families)
- Nature of the site (duck pond v. local park v. country park v. national park)
- Number of visitors
- Site incident history
- Size of site

When choosing and installing signs, the needs of disabled people will need to be considered, and attention given to height/angle, text size, colour contrast and, possibly, tactile properties.

**Access Signs and Multiboards**

**Types of signs**

There are several different levels of safety signs available to the operator - primary access, secondary access, and nag signs. These three levels of signage should be adequate to meet the needs of all UK sites. The individual signs will be explored in further detail later.

**Location**

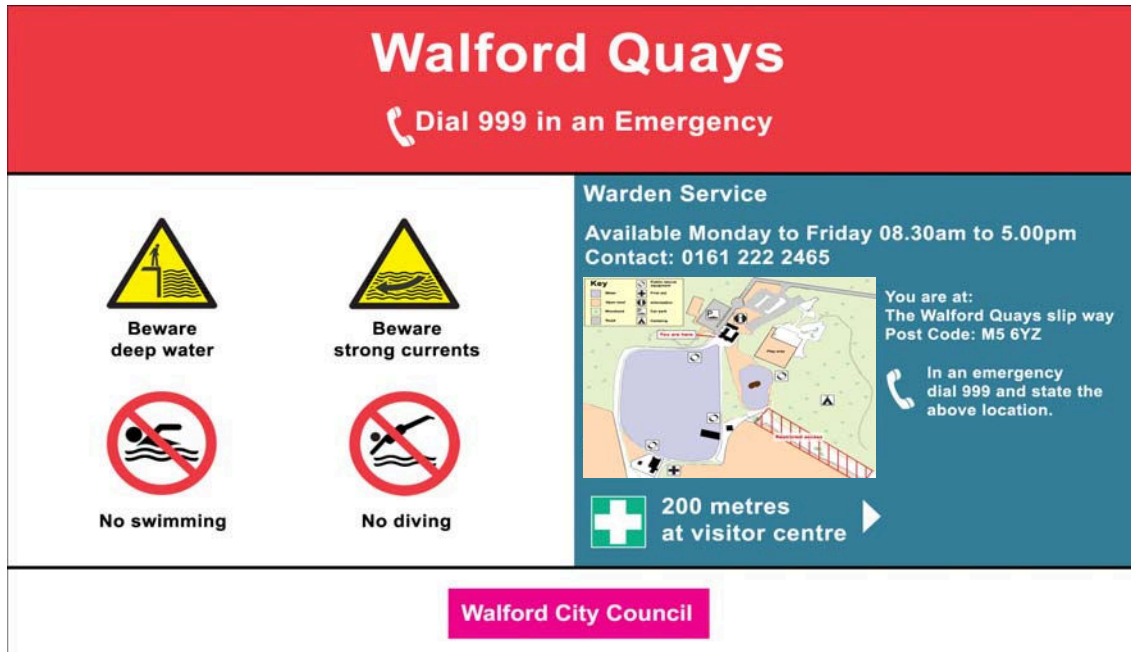
The location and type of signage will ultimately depend upon the outcome of the risk assessment and the factors listed above, but there should be a reasonable amount of consistency in the placement of signs and type of signage used. The table below provides example locations of appropriate placement for each of the signage types.

Primary access signs	Secondary access signs	Nag signs
Main site access points	Main entrance point to the water	Pinch points on site
Car Parks	Major site junctions	Key hazard determined on site
Main collection points	Congregation points	



**Primary access signs**

A primary access sign is the main sign that will be viewed by the majority of visitors on site. It can have several key safety messages as part of the safety information board.



The logical place for the display of safety primary access boards and signs is at principal access points to sites such as main entrances and visitors' car parks, where the maximum number of visitors will view the information.

The following information should be on the board:

1. Site name
2. Emergency instruction: "Dial 999 in an emergency"
3. Main hazard and prohibition symbols and supplementary text
4. Details of site supervision services and contact details
5. Location and Postcode (needs to be understood by local emergency services)
6. Site map showing, rescue equipment, first aid and supervisory help, telephones
7. Organisational logos.

Most sites will only have one or two primary access signs (in line with the number of 'main' entrances). The information on these boards can also be combined with rescue equipment to create 'safety points' if appropriate to the site. The images below outline the main information required on a primary access sign.



Primary access sign  
(Prohibition based)



Safety point  
(Combined safety information & rescue equipment)

Where a lot of information is to be displayed on a multi-board it should be divided up into categories and each section should use the appropriate colour scheme detailed above. Plans of the site should show the location of first aid facilities and emergency telephones if present, and identify unsafe, inaccessible or prohibited access etc.

General safety advice should be displayed at these points, e.g. *'Parents are reminded to supervise their children at all times'*, and *'Lifejackets must be worn during all on-water activities'*.

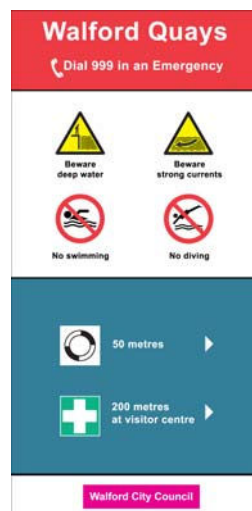
The extent of any supervision/ranger patrol can also be outlined here.

The information given should be short and to the point, and where possible in pictorial fashion, otherwise it can easily be overlooked. Safety information should always be displayed separately from that relating to environmental or site interpretation signs, such as the location of toilets, refreshments etc.

## Secondary Access Signs

Specific signs should be considered at particular hazard spots. These are usually placed closer to the main body of water or congregation point on site, normally these locations typically will be:

- Main entrance point to the water body
- Major site junctions
- Congregation points



Example – Secondary access sign

A 'beach' area traditionally popular for swimming, a point where a path passes close to deep water, an area that attracts a concentration of people, such as a picnic spot or viewing platform, are all examples of locations that will need special consideration.

On site many of these characteristics will be found at the same place, which could mean that only one secondary access sign needs placing. Again this sign can be combined with rescue equipment to form a safety point (as above).

The board should hold the following information:

1. Site name
2. Emergency instruction: "Dial 999 in an emergency"
3. Main hazard and prohibition symbols and supplementary text
4. Location and Postcode (needs to be understood by local emergency services)
5. Symbol direction and distance of rescue equipment
6. Symbol direction and distance of first aid provision
7. Details of site supervision services and contact details
8. Organisational logos.

These signs will help reinforce the safety messages already disseminated at access points.

**Nag Signs**

In addition to the information provided at principal access points, provision should be made to repeat the message along routes adjacent to the water’s edge.

These are repeat messages, small reinforcement messages of key hazard or prohibition messages given previously on the primary or secondary signs. They should relate directly to the hazard they are in close proximity to, and be predominantly symbol-based messages, with reinforcing text.

They are normally located next to the hazard, at places where visitors are most likely to access to water. These could be (for example):

- Pinch points on walkways/paths
- Jetties / platforms
- Bridges where jumping occurs
- Viewing platforms
- Weirs
- Other key hazards determined on site



There will be many locations on site where nag signs can be placed, however it is crucial that only the key locations are signed. Too many nag signs will have a detrimental effect on the overall message. The nag sign should include the following information:

1. Site name
2. Main hazard and prohibition messages
3. Organisational logo (possibly, if not detracting from main message)



*Example – warning & prohibition ‘nag’ signs*

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**The Royal Society for the Prevention of Accidents**

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**Time expired signs, vandalism and replacement**

Signs that are in need of repair or have poor legibility/clarity of image should be replaced straight away and all others should be subject to programmed replacement.

The period of time for such replacement should be 'reasonable' in terms of overall cost against the safety gain or imperative. Overall it should not be unreasonable to expect that all signs should also comply with this new standard within a five-year period. (This estimation could be modified by future court actions arising from signage issues).

Operators should bear in mind however, that notices, particularly when they are first installed, are more likely to be susceptible to vandalism than those already in place. Newly installed notices will, therefore, require a stringent inspection regime and a ready stock of replacement notices should be available.

**Literature Dissemination**

At a large water-based facility or seaside resort, where different activities take place and visitors pass through a control point, it is recommended that leaflets/handouts are distributed on arrival to inform them of the facilities, activities etc. These leaflets should contain prioritised safety messages that relate directly to the location in question. At smaller non-commercial facilities this may not be a practical measure.

**Educational Awareness**

The most effective method of promoting water safety is through community education. It is in this way that people's perceptions of the dangers in and around open water can be challenged and their awareness of the risks raised.

This can be achieved through talks to groups and schools, information sheets and posters, leaflets, videos etc. Involving the local community and encouraging the perception of a site as a recreational asset for them will engender a healthy relationship with the operator. This may help establish an informal network for the reporting of anti-social behaviour or potential danger points/areas.

Community education is of great importance where a water site is close to dwellings. In these areas the presence of young unaccompanied children at the site increases.

**Size Guidelines**

- Important information should be prominent
- Break up text, using symbols, captions photos
- Use clear titles and captions to focus attention on information categories
- Use lower case – it is easier to read
- Use plain type faces (ideally a Sans Serif font)
- Print text at legible sizes, using an appropriate colour

<b>Viewing distance (m)</b>	1.2	1.8	9	18
<b>Height of Letters (mm)</b>	12	16	63	100
<b>Indication: (not to scale)</b>	Aaa	Aaa	Aaa	<b>Aaa</b>

<b>Lettering type</b>	<b>Type size (mm)</b>	
Titles (mm)	21 - 25	60 - 72 pt
Subtitles (mm)	14 - 17	40 - 48 pt
Main text (mm)	9	24 pt
Captions (mm)	6	18 pt

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# National Water Safety Signs

Prohibition

Prohibition Signs tell you not to do something. Black and Red on White.

No swimming	No sunbathing	No sailing	No diving	No sub-aqua equipment	No sunbathing	No water skiing	No windsurfing	No jet-skiing	No swimming

Hazard

Hazard Signs warn of potential hazards. Black on Yellow.

Beware - diving area	Beware - strong currents	Beware - thin ice	Beware - sailing area	Beware - shallow water	Beware - stepping stones	Beware - water skiing area	Beware - water skiing area	Beware - water skiing area	Beware - water skiing area

Mandatory

Mandatory Signs give instructions to do something. White on Blue.

Mandatory - life jackets to be worn	Mandatory - life jackets to be worn	Mandatory - life jackets to be worn	Mandatory - life jackets to be worn	Mandatory - life jackets to be worn	Mandatory - life jackets to be worn	Mandatory - life jackets to be worn	Mandatory - life jackets to be worn	Mandatory - life jackets to be worn	Mandatory - life jackets to be worn

Information

Information Signs give general information. Black on White.

Information - fishing area	Information - fishing area	Information - fishing area	Information - fishing area	Information - fishing area	Information - fishing area	Information - fishing area	Information - fishing area	Information - fishing area	Information - fishing area

**BSI**  
Business Information

The National Water Safety Signs are based on the BS standard BS5499:2002 Part 11 Water Safety Signs

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# Water Safety..... ..... Information

June 2000

## Risk Control for Inland Water Sites

### Introduction

The first consideration in a strategy for accident prevention is always to try to remove, or separate, the public from the hazard. At sites such as water treatment plant, where only authorised visitors are permitted, complete restrictions are necessary. However, at many inland water sites, it would be neither practical, reasonable nor desirable to attempt to prevent drowning by denying access to water, or by providing supervision along every waters edge. Open water, like our road network, is an integral part of our environment with which we must learn to live safely, whilst those in positions of responsibility play their part in controlling the risk to a reasonably practicable level.

Where access restriction is not appropriate, steps must be taken to control risk to an acceptable level using the risk assessment process described above and identifying appropriate risk control measures, some of which are outlined below. It is important that operators responsible for adjacent sites (e.g. sections of riverside), do, where possible co-operate in the task to ensure consistency for visitors passing between sites.

### Edge Protection

Whilst the profile and nature of the water's edge is a fundamental factor in risk, addressing the edge in isolation will not address all the safety issues. Protective measures should always be supplemented by adequate information and warnings; education of visitors; and, where appropriate, rescue equipment and supervision. Some physical measures to prevent public access are outlined below.

### Grading

One critical feature of all water edges affecting the outcome of accidental entry into the water from the bank, is the gradient above and below the water line. Research undertaken by the RLSS UK in the 1980s ("Drownings in the British Isles" 1982, 1983), demonstrates that many people who drown, do so in water which is near their own standing depth. Maintaining or regaining standing balance whilst 'in their depth' is very difficult for weak or non-swimmers.

Therefore, where risk is considered to be high, but an open aspect to the water is required, it is preferable to maintain a gentle underwater gradient from the edge. This should be such as to allow a person to stand with their head above water, at a distance of two body lengths from the shore. This section of shallow water will provide protection from the deep water. Grading above and below the water line, can, at some locations, successfully control the risk of falling in.



It is recommended therefore, that shallow water (less than 0.66m) should extend a minimum of 2M from the water edge, via a 1:3 gradient, and a further protective margin of 1:75m with depths from 0.65m to 1.36m via a 1:2.5 gradient.

## **Planting**

In addition, or as an alternative to grading, and where access to the water's edge is required, but either a steep gradient (falling risk) or very shallow gradient (swimming temptation) exists, the planting of bankside or emergent marginal aquatic vegetation, particularly with sharp foliage, can provide adequate yet aesthetic protection, with additional environmental benefits. Mud at the water's edge is also unappealing and acts as a deterrent.

Suitable plants which will deter access to the water include:

### ***Emergent Planting***

*Phragmites australis*

*Typha angustifolia*

*Carex riparia*

*Scirpus lacustris*

*Iris pseudacorus*

### ***Inhospitable Planting***

*Salix spp* - Willow

*Prunus spinosa* - Blackthorn

*Crataegus manogyna* - Hawthorn

*Rubus fruticosus* - Bramble

*Rosa Canina* - Dogrose

## **Footpaths**

A further protective measure (where public rights of way permit), is to define footpaths away from the water's edge, creating a 'margin' of vegetation between the two. This option is particularly appropriate where views over the water feature are required, and the natural beauty of the site is to be retained. Where a particular section of water has been assessed as higher risk, the footpath can lead visitors away from the water altogether. Alternatively, where risk is deemed low, due perhaps to the shallow depth of the water, (as found at some duck ponds for instance), a painted yellow line can be a useful means of clearly defining the boundary between path and water.

## **Fencing**

In some circumstances, where the risk is high due to the nature of the edge, the hinterland activity or a combination of the two, then fencing may be necessary.

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 balustrade, combined with warning signs, to exclude members of the public from gaining access to the waters edge.

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

---

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## Report Appendix

### Barrier, post and railing systems for water side edge protection

In some circumstances, where the risk is high due to the nature of the edge, the hinterland activity, the danger someone might get into if they enter the water/fall from height or a combination of the three, then fencing may be necessary.

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 balustrade, 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; it will be subject to vandalism; and it will usually remain scaleable. The effect of barrier erection on other user groups, those 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.

### Consistency

An inconsistent treatment may well be counter-productive in terms of accident prevention. It is therefore essential that the response to hazards and conditions is uniform.

Consistency can be attained by the use of an edge treatment classification where the response to a hazard can be banded.

To achieve consistency, an edge-banding guide has been devised specifically to respond to the conditions at urban docks, canals, riversides and sea front promenades.

### Banding

The RoSPA banding guide provides a framework to assist operators in developing a consistent response to certain levels of risk presented in an urban waterside environment.

**The banding defines the degree of risk present at the location not the specific edge treatment or control measure required. Consideration to hinterland activity and the age of those exposed will be as important as the depth of water and the height the edge is above the surface. Young children being present at the site may require access denial fencing typically a band 4-risk solution at a site where in other circumstances it would not be required.**

#### Band 1

- Water less than 500 mm in depth, usually providing an ornamental function.
- Minimal height above water surface. The edge may be stepped, allowing a gradual approach to the water.

### **Specification and materials**

The treatment is distinctive in that there is no fencing. A distinctive solid edge however must be defined. This can be achieved through the use of a coping stone, rumble strip, cobbled edge and can be highlighted with a painted line. Sometimes it can be supported by the use of bollards. The demarcation in itself should not provide a trip hazard.



*Band 1 solution - Well defined edge using a coping stone plus bollards*

### **Band 2**

- The water will exceed approximately 0.5m in depth.
- The edge is well-defined and solid and not more than approximately two metres above the surface.
- This band may include footbridges or pinch points in Band 1 areas, where balustrading is required to guide users and identify the edge.
- The site is unlikely to be directly accessible to unaccompanied young children.

### **Specification and materials**

Common and suitable treatments are bollards and chain, posts and rail or similar balustrades made from cast iron and stainless steels. Plastic covered alloy posts are now also available. Low walls made of either concrete and masonry with or without rails can also be used.

### **Positioning**

If the barrier is too far from the edge and allows or invites access to the haven/margin on the other side, it loses its integrity and becomes ineffective. RoSPA recommends that the barrier be as close to edge as secure fixing allows an optimum distance would be 300mm, with it never more than 500mm in normal circumstances. Specific exceptions can be allowed in respect of limited runs of balustrade being stepped back, e.g. to form angling bays for the disabled, to avoid capstans etc. If for working purposes the barrier has to be further back than this the adoption of cobbles, rumble strip type surfaces to discourage access should be considered. If walls either of concrete or masonry are used or partially used to form the barrier, it is important that the top of the wall does not provide either easy access or a feature to sit on or walk along the top off an angular or rounded coping will often deter such activity.

### **Band 3**

- Deep water

- Solid, well define edge.
- Unlikely to be adjacent to dwellings, bridges, weirs and cuts.
- Other contributory factors may include the usual presence of people, walking or seated.
- The treatment is bollard/post and chain (or rail) supported by ladders and grab chains on the wall of the feature, and rescue equipment on the promenade.

The presence of an attraction, such as water sport event would temporarily require an upgrade from a Band 3 to Band 4.



*Band 3 solution-Horizontal Rail and rescue equipment*



*Band 3 solution-Double chain and post with rescue equipment and escape ladders*

## Specification

Solutions to band 3 are similar to band 2 but with an increased height requirement e.g. a single post and rail or bollard and chain becomes a double or triple. The minimum recommended post height is 1100mm, with 1500mm spaced centres. However, other specifications in use are with 2.0m and 2.4m centres.

If chains are used the amount of ‘sag’ throughout each length of chain should not compromise the effectiveness of the barrier. It is recommended that the ‘sag’ of the chains should be 50-100mm.

Where the post is 1100mm high, the suggested spacing of chains from ground level is 400mm and 800mm, allowing maximum sag to heights of 300mm and 700mm, and average heights of 350mm and 750mm.

### **Positioning**

This is the same as bands 2 and 4.

### **Grab Chains**

Handholds should be made available in Band 3 type areas, to provide a potential casualty support until assistance arrives, or to enable the casualty to reach access ladders without relying solely on their swimming ability.

An optimum length of chain should be available just above, on, or just below the surface. A distressed, shocked casualty, if required to raise their arms above head height is likely to submerge. To maintain an effective 'grab' opportunity, the following guidelines should be used:

- Each length of chain should be permanently fixed to the quayside by an eye bolt and ring
- Fixing rings should be installed at 300mm above the water level, at 6.0m intervals
- The catenary of chains should fall approximately 300mm below the water level

**Where the water level fluctuates a compromise, or a revised system will be necessary.**

### **Access/Egress Ladders**

Where the level of assessed risk indicates the installation of ladders is necessary, the following guidelines should be used:

- Handrails or a suitable handgrip should be provided on the quayside.
- The foot of the ladder should extend 1.0m below the water level.
- Ladders should be installed at 50m intervals

Deep water, plus one or more additional hazards such as being unusually high above the water. The water itself may not only be deep, but fast flowing and especially dangerous.

### **Band 4**

- Band 4 will usually be required in order to directly deny access, either because of the extreme danger, or because of the concentration of people near the hazard.
- Vulnerable groups such as the elderly and young children should be protected by Band 4, especially on or near structures, well-used public access points, dwelling, pubs, shops, schools etc.
- If the treatment is balustrading it should be at least a metre high and be difficult to climb, are appropriate, e.g without easily reached horizontal footholds.
- Because Band 4 treatment is essentially based on an exclusion principle, rescue equipment is not often necessary. The 'exclusion' factor also denies would-be rescuers from easy access.

Hazard warning notices to promote safety awareness are still important within this band.



*Band 4 solution-Vertical rail*



*Band 4-Roll over top and pre-tensioned cable solution*

### **Specification**

Although there is no standard or requirement that relates specifically to water edge protection barriers it is important that specifications for water edge treatments relate to something and recommendations are achievable in practice. There are some standards and guidance that can be used and current barrier, balustrade and fence designs are available that meet those requirements. RoSPA's recommendations on design are based on the Building Regulations 1991 'Protection from falling, collision and impact (1998 edition) part K2 and K3 and BS6180: 1995 Code of Practice for Barriers in and about buildings. These documents give the requirements and loading specifications for such barriers.

Different loading requirements are required for pedestrian and vehicle areas for example a typical post and rail design with a 1500mm centre that is finished 1100mm above ground level is required to cope with loading of <math><0.74\text{KN/m}</math> pedestrians and <math><1.5\text{KN/M}</math> vehicles.

RoSPA, therefore recommends that the minimum height of fencing should be 1.1 metres from finished ground level. Posts should be installed at 1500mm to 2400 mm centres with a maximum centre of 2000mm for vertical designs. If used vertical rail infill should be at 100mm centres to discourage climbing. The gap between the finished ground level and the bottom

horizontal rail should be a maximum of 100mm. Alternatives to vertical railed barriers can only be recommended if they meet the specifications contained within the guidance quoted and if they fulfil the requirement for discouraging climbing. Pre-tensioned stainless steel cabling instead of solid horizontal bars, fine mesh or solid panel infill, roll over top rails and the inward canting of the barrier can all contribute to making the barrier less easy to climb.

### **Materials**

Cast iron posts are suitable for pedestrian areas and non-vehicle control environments. Anti ram raid and traffic control posts should be cast in ductile iron or other materials that can cope with vehicle impact. As already mentioned stainless steel, metal mesh, glass and steel cabling can all be suitable materials as long as they meet the safety requirements. Consideration needs to be given to maintenance and environment issues: such as increased corrosion due to salt water/marine conditions, whether the design copes with flood water, over topping with high tides/waves and entrapping debris and litter.

### **Positioning**

This is the same as bands 2 and 3. The optimum recommended distance of the fence from the quay edge should be 300mm or less so as not to create a 'haven' on the other side. The maximum distance of the balustrade from the edge should be no more than 500mm.

Where a physical barrier is deemed essential due to the level of risk, but where standard fencing would be aesthetically detrimental to the environment, adequate protection can be achieved through sensitive design and choice of construction materials.







## **Scrutiny Board (Culture and Leisure)**

### **Inquiry into Wharfemeadows Park Fence and the Council's Water Safety Policy**

#### **Terms of Reference**

##### **1.0 Introduction**

1.1 Following a drowning incident in Roundhay Park an interdepartmental group was formed to deal with;

- Preparation for the Coroner's inquest
- Implementation of any recommendation from the Inquest
- Commissioning of a RoSPA report on Water Health and Safety in Leeds
- Development of a programme of risk assessments for Council water areas
- Development of a Water Health and Safety Policy for the City Council
- Development of educational information on water safety, particularly for adolescents and teenagers.

The Royal Society for the Prevention of Accidents (RoSPA) was commissioned by the Council to carry out an assessment at two sites, Wharfemeadows Park in Otley which is an example of a river/flowing water within a park and Roundhay Park which is an example of a lake/static water, where water safety is a major factor. RoSPA has also provided the Council with specific recommendations for five other sites. These were considered by the Executive Board on the 9<sup>th</sup> February 2007.

1.2 Despite revised proposals detailed in the report to Executive Board on the 18<sup>th</sup> May 2007 public opinion in Otley on the water safety recommendations within the Park has not been positive.

1.3 At its meeting on 16<sup>th</sup> July 2007 Scrutiny Board (Culture and Leisure) received a request for scrutiny from the Wharfemeadows Action Group supported by Otley Town Council and by Greg Mulholland MP. Following a brief presentation and discussion, the Board agreed to undertake an inquiry and to establish a working group in order to scope the terms of reference and begin collecting evidence to be reported to the September Scrutiny Board meeting.

1.4 Members also agreed to recommend to the Executive Board that work relevant to this inquiry be suspended until the Board has completed its deliberations. This recommendation was submitted to the Executive Board meeting of 22<sup>nd</sup> August 2007.

## **2.0 Scope of the Inquiry**

2.1 The purpose of the Inquiry is to make an assessment of and, where appropriate, make recommendations on the following areas:

To scrutinise the recent decisions of the Executive Board regarding Wharfemeadows, the grounds for those decisions, the advice submitted to the Directors and to make recommendations thereon:

- The consultation process undertaken with regard to water safety at Wharfemeadows Park.
- Details of the decision making process, the options considered, the advice received and position of the Council following RoSPA's recommendations:
  - Legal advice given to the Council
  - Executive Board reports
  - RoSPA's recommendations and relevant reports
  - Any risk assessments undertaken previously with regard to sites with water assets
  - Relevant statistics on accidents relating to the River Wharfe and Wharfemeadows Park specifically.
  - Coroner's report relating to Roundhay Park fatal incident
- The Water Safety Strategy.

## **3.0 COMMENTS OF THE RELEVANT DIRECTOR AND EXECUTIVE MEMBER**

3.1 In line with Scrutiny Board Procedure Rule 12.4 the views of the relevant Director and Executive Member have been sought and have been incorporated where appropriate into these Terms of Reference.

## **4.0 TIMETABLE FOR THE INQUIRY**

4.1 The inquiry will take place over three sessions with a view to issuing a final report in October/November 2007.

4.2 The length of the inquiry is subject to change

## **5.0 SUBMISSION OF EVIDENCE**

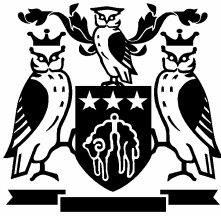
Time table to be agreed

## **6.0 WITNESSES**

- Executive Board Member for Leisure
- Chief Recreation Officer
- HR Manager, Safety Well-being and Attendance
- Head of Community Services and Litigation
- Representative from Otley Town Council
- Representative from Wharfemeadows Action Group

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Originator:P Marrington

Tel: 39 51151

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## Report of the Head of Scrutiny and Member Development

### Scrutiny Board (Culture and Leisure)

Date: 12<sup>th</sup> November 2007

Subject: Inquiry into Middleton Park Equestrian Centre

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#### Electoral Wards Affected:

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

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## 1.0 Introduction

- 1.1 The Board is currently undertaking an inquiry into the Middleton Park Equestrian Centre and its relationship with the Council. Members of the Board undertook a site visit during October.
- 1.2 At its October meeting the Board requested information on the management agreement currently in operation between the Equestrian Centre and the Council.

## 2.0 Information submitted to the Board

- 2.1 Attached to this report is the management agreement established in 1999. The Chair of trustees has been invited to contribute to the discussion, along with representatives from Legal Services, Leisure Services and Corporate Services.

## 3.0 Recommendation

- 3.1 Members are requested to note the information provided and make comments and recommendations as appropriate.

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RIDING FOR THE DISABLED ASSOCIATION  
MIDDLETON PARK EQUESTRIAN CENTRE

MANAGEMENT AGREEMENT

History

Leeds City Council and the RDA agreed in 1988 to establish and develop the Middleton Equestrian Centre as a joint enterprise to provide riding and driving for the disabled.

LCC and RDA signed an agreement on 20 June 1989 stating "The Council is desirous of constructing an indoor arena and stabling facilities and has allocated £50,000 towards the cost of such works" and that "The RDA has agreed to contribute not less than £60,000 towards the cost of the project". A copy of this agreement is attached.

The project was completed and has operated successfully as envisaged by the agreement of 20 June 1989.

The centre was built specifically to allow for an extension which the parties now wish to erect.

Both parties have combined to obtain a Lottery grant for the purpose of this expansion of the Middleton Centre which was originally planned in 1988.

Leeds City Council has undertaken on behalf of both parties to project manage the development and the parties jointly prepared a business plan which was submitted as the basis for the Lottery application.

On the basis of the business plan a Lottery grant was approved subject to certain conditions one of which was the execution of a lease of the Equestrian Centre to the RDA.

Agreement

It is hereby agreed that;

1. Financial

The financial obligations of the lease shall not fall upon the RDA but shall be accounted for in accordance with the business plan which was formulated by Leeds City Council for the Equestrian Centre to support and be an integral part of the successful Lottery application - namely that all income and expenditure whether arising under the terms of the lease, insurance or otherwise shall be accounted for in accordance with the Business Plan and any annual deficit shall be met by the Leeds City Council in accordance with the business plan.

2. Personnel

The personnel employed at the Equestrian Centre shall be employees of the City Council.

The City Council shall maintain the accounts of the Equestrian Centre which shall also make use of the City's Personnel and Legal services as required.

4. Management Committee

That the Equestrian Centre shall operate under the overall supervision of a Management Committee consisting of four representatives of the Council and four representatives of the Riding Association.

The Management Committee shall meet not fewer than four times per annum.

5. Powers to Management Committee

The Management Committee will have the power to vary the restrictions contained in the lease relating to display and publicity material, sale or consumption of liquor, times of operation and sale of goods on the premises.

The aim of the Management Committee will be to operate the Centre as effectively and efficiently as possible all efforts being made by the RDA to minimise any annual deficit.

Any rent arising from the letting of the second bungalow shall be treated as income of the Equestrian Centre and shall go towards reducing any deficit.

Signed on behalf of the Trustees:

... *C Brown* .....

... CHAIRMAN .....

Date: 7.12.99 .....

Signed on behalf of the Leeds Leisure Services:

... *Jim Lester* .....

... Acting Director .....

Date: 10.12.99 .....

## Introduction

1.1 This submission to the National Lottery Sports Fund is in support of an "in principle" award in relation to an extension and other improvements to the Middleton Park Riding for the Disabled Association (RDA) Equestrian Centre at Middleton Grove, Leeds 11.

### Background

1.2 Middleton Park RDA Equestrian Centre is situated on the edge of Middleton Park which consists of over 300 acres of ancient woodland, bridletrack, open greenspace, parkland and recreation facilities 4km south of the City Centre.

1.3 It is a purpose built equestrian centre, opened in 1991 by Leeds Leisure Services Department acting with the Riding for the Disabled Association, for existing and future horse-riders with disabilities and disadvantaged young people.

1.4 Situated on the edge of the inner city, the centre serves a great need and provides year round recreational and training opportunities for a significant number of users and volunteer helpers. The success of the centre in promoting equestrian sport is reflected in one of its riders, Andrew Dufton, being on the long list for the Sydney Special Olympics and 5 other riders qualifying for the RDA National Dressage Championship at Stoneleigh, Warwickshire earlier this year.

1.5 The Riding Centre and site of the proposed extension is located on a plateau formed following the open casting of the area some 20 years ago. Some £8 million has subsequently been invested by the City Council in this area with the development of further sports facilities including South Leeds Stadium, South Leeds Tennis Centre and floodlit football pitches before funds from the National Lottery were available.

1.6 This has resulted in over 300,000 sports men and women coming to the sports complex over the last 12 months and may have helped increase the profile of the Riding Centre, which operates at capacity with a significant waiting list.

1.7 As a member group of The Riding for the Disabled Association (RDA), the centre is run to their constitution, standards and principles.

1.8 In November 1997, a joint bid for improvements and an extension to the Middleton Equestrian Centre was submitted by the Riding for the Disabled Association and Leeds City Council to the English Sports Council.

1.9 The bid was approved "in principle" on 6 March 1998 and reflected the success of the centre since opening and the need to expand and improve facilities to meet the demand from both disabled and able-bodied riders.

1.10 The original submission was based very closely on the principles of the original building, which was constructed on a design and build basis. By using the previous methods of construction and procurement a scheme was developed with an estimated cost of £794,000. This generated the "in principle" award of £659,000 (83% of costs) with the Riding for Disabled Association/Leeds City Council partnership contributing the remaining £135,000 (17%).

### Current Position

1.11 Following the "in principle" award, a new City Council project management team assumed full responsibility for progressing the development and, in reviewing the proposals, identified two important issues:-

a) A re-design of the scheme to focus all "clean area" activities at the front of the building would bring significant long-term operational and user benefits for both clients and staff.



b) The original scheme excluded or understated some costs, which had not been fully addressed.

1.12 At the risk to funds of the RDA and Leeds City Council, although with the in principle support of the Sports Lottery Fund Officers, the City Council's Design Services Agency were commissioned to consider a fresh design brief. This was prepared by the Client with the support of the Project Development Division of Leeds Development Agency to prioritise the needs of the current and future riders in the project, rather than the construction methods which took priority in the original scheme.

1.13 This new approach to the issues has produced a very different result that has received wholehearted support from all who have an interest in the sport.

1.14 Subject to Sports Lottery Fund approval of the bid for additional funds, the revised scheme will now be procured through the traditional route with construction tenders invited on the basis of detailed drawings and specifications. The new scheme, which includes a range of operational and user benefits, has been professionally costed to include all the elements needed to properly complete the development.

1.15 Whilst the scheme is now costed at £998,100 the lottery grant award sought at £828,423 remains at 83% of costs with the Riding for Disabled Association/Leeds City Council contribution of £169,677 maintaining the balance of 17% of costs.

1.16 This document forms a supplement to the original submission and, in particular, seeks to address the matters raised in the "in principle" award letter dated 6 March 1998.

1.17 The schedule of use, business plan, breakdown of building costs and the scheme drawings form the remainder of this submission.

1.18 It should be emphasised that the revised submission does not represent a project that has sought to add new elements, floorspace or features without justification.

1.19 All the changes from the original submission have been generated from a better understanding of the needs of the ultimate users of the centre, the riders, and by considering health & safety issues and best practice at other similar centres including the recently opened Unicorn Centre, Cleveland.

1.20 On the behalf of the client, the RDA, Leeds City Council Leisure Services and the many current users and those who wish to use the expanded facility I trust you will be able to give this your attention and favourable support.

## Assessment of Needs & Programme of Use

2.1 At the present time the riding centre operates 6 days a week for 50 weeks of the year, closing to the public only for a 2-week period at Christmas.

2.2 The current and anticipated use of the centre is set out below to demonstrate both the need for the extended facility and the programme of use envisaged.

### Riding Programme

2.3 The centre provides for both disabled and able-bodied riders with the former group being the major users of the centre.

2.4 At present 10 adult training centres, 1 day centre and 2 special schools are able to use the centre for a one hour riding session each week for 50 weeks of the year. (see appendix 1). With the exception of West Hall Special School, Wakefield, all the centres are Leeds based. There are also separate sessions, mainly held on Saturdays, allocated to disabled riders for individual riding sessions. For clients with either severe learning difficulties or who are too heavy for the horses, the driving option with a horse and carriage is used and these lessons are allocated separately also.

2.5 There is at present a waiting list for all categories for disabled riding. For example the Horsforth Adult Training Centre (130 Clients) has no access to the centre at all and current users such as the Moor End ATC and Ramshead Wood Centre are not able to fulfil their demand as outlined in supporting correspondence (appendix 2). In addition, there are a further 10 centres in Leeds alone which are potential clients.

2.6 The centre has not sought to promote the riding facilities available given demand far outstrips supply. The schedule at appendix 3 gives an indication of the substantial number of disability and other organisations which could be targeted if or when additional supply comes on stream.

2.7 With respect to individual, private disabled clients, there are approximately 60 on the waiting list at present.

2.8 There is no formal programme of use for the outdoor arena at present because of both the shortage of horses available for riders and staff to supervise training and coaching sessions. With the proposed increase in capacity at the centre, it will be possible for the outdoor arena to be more fully brought into use for riding and a formal programme of use drawn up.

2.9 On weekdays some use of the facility is made, weather permitting, by students and some driving instruction is also undertaken. At weekends the outdoor arena is used for able-bodied clients and there is potential to expand this use. Importantly, the arena is also used for schooling and exercising horses. It should be stressed that the involvement of able-bodied riders is essential to ensure the horses receive intensive exercise and further schooling to maintain appropriate levels of equine fitness and discipline necessary for disabled riding lessons to take place.

### Schedule of Rides per Annum

Rides	1998	1999	2000	2001
Disabled	5000	7100	9500	9500
Driving	250	500	950	950
Able Bodied	1250	2000	3200	3200

### Training & Coaching

2.10 The provision of professional riding lessons requires professional staff made up of capable, qualified individuals who can work at specific levels of competence.

2.11 The National Vocational Qualifications (NVQ) in the Horse Industry as promoted by the British Horse Society provide work-based assessments at 3 levels of qualification and as such, are of a very practical nature (appendix 4). Recipients of these awards can go into any area of equestrian sport as grooms, yard managers, competition riders, riding school proprietors etc. British Horse Society qualifications are nationally and internationally recognised awards which produce competitors, trainers, instructors and grooms.

2.12 All the above awards and qualifications form the backbone of the sport and without the in-depth knowledge and skill that the training provides, the sport would not be able to exist.

2.13 At the present time, the Centre works with Park Lane College and runs an NVQ level 1 course for two groups of students with special needs. This course operates over a 3 year period one day a week for each group for 30 weeks.

2.14 The Centre and the College also run an NVQ level 2 course in animal care (horse option). Students, in groups of 6, spend two weeks at the riding centre gaining work experience. The course operates over a 20 week period for 10 different groups of students.

2.15 The Centre also provides work experience and training to a small number of full time 'in house' students seeking either an NVQ level 2 or NVQ level 3 qualification over a 2 or 3 year period.

2.16 Whilst the majority of time for students and trainees seeking a qualification is spent on practical work at the riding centre, that element requiring formal instruction and course work is carried out in the existing dilapidated portacabin in the car park which serves as a study area.

2.17 In terms of increasing demand, the Centre and Park Lane College wish to expand use of the centre for both disabled and able bodied students for all NVQ levels. Discussions are also in progress with Joseph Priestley college for a similar range of Sports Training and Coaching courses and qualifications (appendix 5)

2.18 In addition, plans are well advanced for establishing the extended centre as an NVQ training centre in its own right. (A programme for use of the study facilities for Sports Training and Coaching is shown at appendix 6)

2.19 As demonstrated in the business plan, the provision of training and qualifications not only encourage students in the sport and other equestrian-related activities, but provide an important source of revenue funding for the centre.

### Events

2.20 Currently there is no provision at the Centre for spectators, including parents, to safely view the activities taking place in and around the indoor arena and stable yard. The proposed First Floor viewing gallery will not only provide a safe environment for non-riders but create substantially improved facilities for viewing activities taking place in the arena.

2.21 This will enable the present very limited use of the centre for lecture demonstrations, hosted by expert riders and instructors, to be substantially increased.

2.22 In addition to dressage, show jumping, driving events and other equestrian competitions, the new facility will also be available for horse society meetings and shows.

2.23 Arranging such events will not only bring revenue benefits, perhaps understated in the business plan, but will importantly raise the profile of the extended and improved riding centre to a wider audience. Clearly there is the potential for this to be translated into new interest in the sport and will fundamentally improve the appreciation of the rides and the general public, of the level of expertise and ability that exists in the Centre.



## Business Plan

3.1 A cautious approach has been adopted in terms of the Business Plan shown over-page. As demonstrated in the previous section, demand to use the centre is strong from all areas of business operation. There is significant untapped potential to realise new business if necessary from existing clients and those organisations which are currently unable to use the centre.

3.2 The staffing structure shown below identifies existing staff levels and additional staff to be employed by the time the centre reaches maturity in the Business Plan by 2001. The cost of employing all staff is reflected fully in the Business Plan.

Existing Staff	Additional Staff (2001)
Manager	Assistant Manager
Assistant Manager	Yard Supervisor
Groom	Instructor
Groom	Instructor
Groom	Administration Officer
Groom	
Groom	Plus existing
Groom	
Groom	
<hr/>	
8 Staff	13 Staff

3.3 The proposed staffing structure includes one additional senior staff member to ensure there is at least one manager on site to cover the extended hours of operation. The appointment of a yard supervisor and two instructors reflects the increase in activity in the centre and the number of disabled and able-bodied riders requiring supervision and tuition. The appointment of an administrator will relieve the manager of much of the existing day to day administration of the centre and the future increase in business arising from the extended facility and hours of operation. The administrator will also be responsible for increasing levels of sponsorship.

## Combined Budgets RDA & LCC

	1998/99	99/00	00/01	2001/02
	£	£	£	£
Employees	64,180	96,760	129,570	133,720
Training	-	1,230	1,000	500
Buildings	1,500	2,250	3,000	3,090
Electricity	1,000	1,500	2,050	2,110
Water	1,600	2,400	3,270	3,370
Cleaning Materials	-	250	250	250
Toilet Requisites	800	1,200	1,640	1,690
Rates (exempt)	-	-	-	-
Security	500	750	1,020	1,050
Insurance	3,200	4,800	6,540	6,740
General Equipment	1,000	1,000	1,500	1,550
Agric. Equipment	1,200	1,500	2,000	2,060
Animal feed	8,500	11,250	14,590	16,030
General Materials	4,400	4,400	6,500	6,950
Purchase of Horses		17,500	7,500	
Stationary	130	500	250	260
Advertisements	100	1,000	200	210
Postage / Telephones	1,400	2,000	1,700	1,750
I.T.	300	450	500	520
Clothing / Uniforms	500	750	1,000	1,030
Contracted Services	2,500	3,500	5,000	5,150
Freelance Training	11,600	5,800		
Vets / Blacksmiths	3,600	5,100	7,450	7,670
Licenses	230	340	460	470
Petrol / Oil / Derv	480	720	960	990
Vehicle repairs	430	500	700	720
Lectures / Shows		600	715	1,035
<b>Total</b>	<b>109,150</b>	<b>168,050</b>	<b>199,365</b>	<b>198,915</b>



## Income

Existing	Sept. 98	Sept. 99	Sept. 00	Sept. 01
<b>Rides</b>				
disabled (£4) - (1999 - £5)	20,000	25,000	25,000	25,000
abled bodied (£9) - (1999 - £10)	11,250	12,500	12,500	12,500
Driving Training	1,250	1,250	1,250	1,250
Park Lane	13,320	13,320	13,320	13,320
Dogations	4,580	4,580	4,580	4,580
Arena Hire	700	transferred to new business		
NVQ Training	670	transferred to new business		
Other	1,720	1,720	1,720	1,720
<b>Sub Total</b>	<b>53,490</b>	<b>58,370</b>	<b>58,370</b>	<b>58,370</b>
 <b>New Business</b>				
<b>Rides</b>				
disabled		10,500	9,000	
abled bodied		7,500	12,000	
Saturday (disabled)			3,000	
Driving Training		1,250	2,250	1,250
Park Lane		13,500		
Joseph Priestley		3,000	3,000	3,000
		4,500		
NVQ Centre		3,000	3,000	3,000
<b>Sub Total</b>		<b>43,250</b>	<b>32,250</b>	<b>7,250</b>
<b>Running Sub Total</b>			<b>75,500</b>	<b>82,750</b>
 Lecture Demonstrations		1,875	1,950	2,100
Shows/Competitions		1,000	1,500	2,250
Hire for Shows		450	450	750
Driving Instruction/Shows		200	300	600
<b>Sub Total</b>		<b>3,525</b>	<b>4,200</b>	<b>5,700</b>
 <b>Total</b>	<b>53,490</b>	<b>105,145</b>	<b>138,070</b>	<b>146,820</b>
 <b>Expenditure</b>	<b>109,150</b>	<b>168,050</b>	<b>199,365</b>	<b>198,915</b>
<b>Net Cost</b>	<b>55,660</b>	<b>62,905</b>	<b>61,295</b>	<b>52,095</b>



## Existing Building

### Internal Accommodation

4.1 The Centre consists of a horse riding arena and stable block, along with a staff room, tack room, feed room and toilets. The construction of the main building is a steel portal frame with a profile roof construction incorporating GRP rooflight infill profile panels.

4.2 The floorspace within the riding arena is presently covered with specialist 'Fibre Sand' material which generates some problems. When the sand dries out, the atmosphere in the arena becomes very dusty for both the horses and the riders. The Client has to address this problem by watering the surface at least twice weekly. This is proving time consuming and costly. The surface also suffers from compaction and has to be rotovated regularly.

4.3 There are 11 loose horseboxes sited to the east side of the main block. These have 2 stable doors to each box with access to both the covered yard and external area. The drainage from the loose boxes is via an open central surface channel system in the covered yard area.

4.4 The single staff room (for 8 staff) and other ancillary rooms are situated opposite the loose boxes. The accommodation is inadequate and restricted for the functions required. It is the only area of the building with electrical panel heating.

### External Accommodation

4.5 The external areas consist of an outdoor riding area and two isolation horseboxes. There is a temporary classroom structure, in poor condition, situated against the northern boundary. The car park area, situated in front of the main building, is of a temporary nature and does not have any defined parking bays or satisfactory surface dressing and suffers from continuing settlement.

4.6 There are two staff bungalows situated along the edge of the southern boundary and the overall site is enclosed by a 2 metre high metal boundary fence with entrance gates.

### Statutory Services

4.7 The site does not have a mains gas supply but, after investigation, provision has been ruled out on cost grounds.

4.8 The existing water mains supply to the centre is inadequate and will have to be improved.

## The Architectural Brief

### Principles of Development

Client/Staff Facilities - Provide new reception / administration / student facilities

Arena - Extend existing indoor arena by approx. 50%

Stabling Facilities - Provide additional stables and associated / improved facilities

Mechanical and Electrical - extend and improve as necessary

Covered Storage Area - Replacement/extended storage facilities

### Specification

#### Client/Staff Facilities

- New entrance and reception area
- Main study/meeting room (up to 15 people)
- Secure store to above
- Office
- Student recreation room
- Provide judges box, centrally at eastern end of arena (floor height to be determined). Judges box to accommodate 2 persons and be accessible for disabled users.
- 1st floor viewing gallery providing:
  - access by lift and stairs
  - seating for approx. 100 people including defined viewing area for wheelchair users
  - retractable, clear screen to arena
  - space to be capable of sub division to form 2 separate areas

#### Disabled user Facilities (south side)

- Office
- Secure locker area/bench seating
- 2 disabled showers/WC's
- Wheelchair ramp and steps to riders mounting block
- Reposition existing disabled hoist

#### Able bodied Facilities (north side)

- Store
- Secure locker area/bench seating
- 2 WC's and 1 disabled shower/WC

NB With the exception of the ramp/steps to the riders mounting block, all facilities in section 1 to be designated as a 'clean area'.

#### Indoor Arena

- Extend the existing arena (19.850m wide x 41.3000m long between kickboards) to 60.0m in length.
- Replace existing arena floor with non-dust generating material to be agreed.
- Provide double, inward opening doors to end of extended arena and other access doors as appropriate.
- Non insulated roof to have some clear panels for natural lighting
- Provide mirrors (specification to be determined) to arena ends.

#### Stabling and Ancillary Facilities

- 10 stables with access to new internal yard and covered walkway to external sides
- Drainage to external, covered gully
- Stable floors to be covered with rubber matting
- Roof to be insulated
- New tack room (heated), feed room and area for clipping/shoeing

#### Existing Stable Block

- Provide new drainage channel to stables (to prevent flows across stable yard)

#### Covered Storage Area

- Provide new single storey covered area (approx. 400m<sup>2</sup>)
- Covered area to be enclosed on 3 sides with open access to 4th side.
- Access doors as appropriate
- Hardstanding/water supply for soaking hay

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**Report of the Head of Scrutiny Support and Member Development**

**Scrutiny Board (Culture and Leisure)**

**Date: 12<sup>th</sup> November 2007**

**Subject: Work Programme**

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**Electoral Wards Affected: All**

**Specific Implications For:**

Ethnic minorities

Women

Disabled people

Narrowing the Gap

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**1.0 Introduction**

1.1 The attached appendix provides Members with a copy of the Board's current Work Programme (Appendix 1).

1.2 At appendix 2 is the Forward Plan for October to January 2007.

**2.0 Recommendation**

2.1 The Board is requested to:

- (i) Determine any additional items for the Work Programme.
- (ii) Receive and make any changes to the attached Work Programme following decisions made at today's meeting.

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SCRUTINY BOARD (CULTURE AND LEISURE) WORK PROGRAMME (NOV) 2007

Item	Description	Notes	Type of item
<b>Meeting date – December 2007</b>			
Performance Management Information	To receive performance information relating to culture and leisure.		PM
Presentation on Parks			B
Members's questions	Cllr Procter to be invited to attend.		B
Recommendation Tracking			PM
<b>Meeting date – January 2008</b>			
Town Hall update			
<b>Meeting date – February 2008</b>			
Performance Management Information	To receive performance information relating to culture and leisure.		PM
<b>Meeting date – March 2008</b>			
<b>Meeting date – April 2008</b>			
Board's Annual Report	To agree the Board's contribution to the Scrutiny Annual Report		

Key:

CCFA / RFS – Community call for action / request for scrutiny

RP – Review of existing policy

DP – Development of new policy

MSR – Monitoring scrutiny recommendations

PM – Performance management

B – Briefings (Including potential areas for scrutiny)

SC – Statutory consultation

CI – Call in

<b>Unscheduled Items</b>					
<b>Working Groups</b>					
<b>Working group</b>	<b>Membership</b>	<b>Progress update</b>	<b>Dates of meetings</b>		
Wharfmeadows Inquiry	All Board Members	The working group has met three times and undertaken a site visit. A summary of two meetings has been received by the board. The meeting on 1 <sup>st</sup> October will be reported back to the November board meeting.	15 <sup>th</sup> August 22 <sup>nd</sup> August 29 <sup>th</sup> August 1 <sup>st</sup> October		

- Key:
- CCFA / RFS – Community call for action / request for scrutiny
  - RP – Review of existing policy
  - DP – Development of new policy
  - MSR – Monitoring scrutiny recommendations
  - PM – Performance management
  - B – Briefings (Including potential areas for scrutiny)
  - SC – Statutory consultation
  - CI – Call in



**LEEDS CITY COUNCIL**

**FORWARD PLAN OF KEY DECISIONS**

For the period 1 November 2007 to 29 February 2008

<b>Key Decisions</b>	<b>Decision Maker</b>	<b>Expected Date of Decision</b>	<b>Proposed Consultation</b>	<b>Documents to be Considered by Decision Maker</b>	<b>Lead Officer (To whom representations should be made)</b>
Leeds Sports Trust Approval to proceed with the Leeds Sports Trust project and the transfer of the current Sport and Active Recreation Service.	Executive Board (Portfolio: Leisure)	19/12/07	Considerable consultation already undertaken and ongoing with key stakeholder groups including - Service staff; Service users; the Unions; the general public; various LCC Members/ officers.	The report to be issued to the decision maker with the agenda for the meeting	Director of City Development

## **NOTES**

Key decisions are those executive decisions:

- which result in the authority incurring expenditure or making savings over £500,000 per annum, or
- are likely to have a significant effect on communities living or working in an area comprising two or more wards

<b><u>Executive Board Portfolios</u></b>	<b><u>Executive Member</u></b>
Central and Corporate	Councillor Mark Harris
Development and Regeneration	Councillor Andrew Carter
Environmental Services	Councillor Steve Smith
Neighbourhoods and Housing	Councillor John Leslie Carter
Leisure	Councillor John Procter
Children's Services	Councillor Richard Brett
Learning	Councillor Richard Harker
Adult Health and Social Care	Councillor Peter Harrand
Leader of the Labour Group	Councillor Keith Wakefield
Leader of the Morley Borough Independent Group	Councillor Robert Finnigan
Advisory Member	Councillor Judith Blake

In cases where Key Decisions to be taken by the Executive Board are not included in the Plan, 5 days notice of the intention to take such decisions will be given by way of the agenda for the Executive Board meeting.

LEEDS CITY COUNCIL

BUDGET AND POLICY FRAMEWORK DECISIONS

Decisions	Decision Maker	Expected Date of Decision	Proposed Consultation	Documents to be considered by Decision Maker	Lead Officer

**NOTES:**

The Council's Constitution, in Article 4, defines those plans and strategies which make up the Budget and Policy Framework. Details of the consultation process are published in the Council's Forward Plan as required under the Budget and Policy Framework.

Full Council ( a meeting of all Members of Council) are responsible for the adoption of the Budget and Policy Framework.

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