

Scrutiny Board (Culture and Leisure)

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

Summary of Working Group Meetings

1.0 Introduction

- 1.1 At its July meeting, Scrutiny Board (Culture and Leisure) agreed to undertake an inquiry into the proposed fence at Wharfemeadows Park in Otley and the wider water safety policy of the Council.
- 1.2 In order to pursue this inquiry swiftly, it was agreed that the initial work be carried out in a working group, consisting of all the board members. Two meetings have been held during August, and a site visit has taken place.

2.0 Working Group meeting 15th August 2007

- 2.1 In attendance were Cllrs Hanley, Barker, Atha, Gettings, Wilkinson, Kirkland and Jennings.
- 2.2 Following an informal visit to Wharfemeadows Park in Otley, Cllr Hanley wished to pass on to the department his congratulations on the appearance of the park, which was well maintained and attractive.
- 2.3 It was noted that there was an area of concern to the Chair along the bank of the river which he felt should be noted by the working group during the forthcoming proposed site visit.
- 2.4 Members discussed the terms of reference for the inquiry. It was noted that an important issue was the legal advice that had been given to assist the decision making process. Members requested further details of this.
- 2.5 The question of other sites was raised during the discussion and it was noted that the Council has a number of publicly accessible sites with stretches of water. Members asked whether other sites would be risk assessed in the same way. It was agreed that this would be raised during the inquiry, along with a description of the role of RoSPA in this particular case.
- 2.6 Information was requested around the numbers of incidents specifically recorded in Wharfemeadows Park along with further details of the consultation that took place prior to the original decision to erect a fence was taken.
- 2.7 It was agreed that a site visit would take place and that a further meeting of the working group be arranged.

3.0 Working Group site visit Wharfemeadows Park 22nd August 2007

- 3.1 In attendance were Cllrs Hanley, Gettings, Barker, Kirkland and Wilkinson and Sean Flesher.
- 3.2 The Working Group were shown the locations for the proposed water safety measures, how the risk assessment was conducted and the rationale behind the recommended actions.
- 3.3 The Group was shown in particular the risk areas around the low wall, the subsequent drop ranging from approximately 4 feet to 12 feet in places and the rocks just below the water surface.
- 3.4 The initial proposals were explained to the group, the alternative proposals and why these were not adopted and the final recommendations following consultation.
- 3.5 During the site visit the group witnessed young children standing, walking and leaning over the low wall.

4.0 Working Group meeting 29th August 2007

- 4.1 In attendance were Cllrs Hanley, Gettings, Barker, Kirkland, Atha and Wilkinson. Officers in attendance were Denise Preston and Sean Flesher.
- 4.2 Members received a chronology of events from the incident in Roundhay Park in June 2005 to the latest report to Executive Board on August 22nd 2007. Events listed included meetings with RoSPA and briefings with Councillors.
- 4.3 The site visit that took place on 22nd August 2007 and this was discussed by the working group. Members concurred that the gardens were extremely well kept and attractive and this was passed on to the department.
- 4.4 It was agreed that this was a useful visit that enabled Members to be clear about where the fence would be and its relationship to other features of the park, such as the children's playground. Members had received a plan of the proposals during the visit and discussed the dimensions of the fence and its positioning.
- 4.5 Members discussed the number of reported incidents relating to the river in the park over recent years and learned that three major incidents had taken place that were reported in the local press. It was noted that staff working in the park have expressed fears about safety in the past.
- 4.6 Members wished to also emphasise that it was impossible to eliminate all risk and that care needed to be taken in general not to 'over protect'

people. It was acknowledged that the fence would protect against accidents but not against deliberate acts.

- 4.7 It was noted that the river levels fluctuated quickly and often without warning. When in flood, Members recognised that the river would have a strong and dangerous current. Suggestions had been made that the department could close the park during these times of flood, however, it was noted that not only was it difficult to predict when this would occur but that it would involve closing off a well used thoroughfare.
- 4.8 Members discussed the Council's position in needing to make a judgement about minimising public risk on sites that were for public use. Other sites that contained stretches of water, but have a different topology, visitor profile or where the Council were not inviting public use needed to be seen differently.
- 4.9 Members were interested in the difference between the original proposals made to fence off the bank and the amended proposals. Members learned that the original proposals included using a taller fence, fencing off the steps leading down to the river and fencing the river from the playground right down to the white bridge. The amended proposals include a lower fence with the steps left open and the river bank down to the white bridge will now have a vegetative margin instead of fencing. The steps will be repaired as part of the work.
- 4.10 It was noted that any hiatus in the work being planned ran the risk of the fencing not being erected until next year and that now is the seasonal window of opportunity to access areas of the bank. Members also learned that work is progressing and will be completed by late autumn. It was noted that the proposed signage requires planning permission, though smaller 'nag signs' can be erected without planning permission.
- 4.11 Members concluded that the draft terms of reference be taken to the September meeting of the full board for approval and that copies of the relevant Executive Board reports and press cuttings be circulated to Members.