



Tonbridge and Malling Borough Council

Water Safety Policy

Draft

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1.0 Introduction

Within the Borough there are a number of Public Open Spaces within the ownership of Tonbridge & Malling Borough Council (TMBC) that include areas of open water.

Due to the diverse shape and size of these areas of water, their use is varied. The Council recognises the need for open water for both environmental reasons and for recreation and leisure activities. Types of open water within the ownership of TMBC include:

- Lakes/Former Quarries
- Rivers
- Ponds
- Streams
- Dewponds
- Balancing Ponds
- Drainage ditches

(A full list of types of open water under the Council's control can be found at **Appendix 1**)

Open water can present significant risks that may vary in response to environmental changes, for example, the desire to swim in cold water on a hot day or the attraction to walk on ice in the winter.

The Council in its risk assessment of open water will take all 'reasonable steps' to protect people from danger. This water safety policy has been designed and developed with advice and guidance from the Royal Society for the Prevention of Accidents (RoSPA), 'Safety in Inland Water Sites- Operational Guidelines' (RoSPA document) and 'The Visitor Guide to the Countryside' (www.vscq.co.uk).

TMBC Leisure Services will designate a Leisure Officer to implement any actions within the water safety policy in liaison with the Council's Health and Safety Officer.

2.0 Statement of Intent

The Council will provide appropriate arrangements for the management of areas of open water under its control. These measures should ensure that, 'so far as reasonably practicable', all open water facilities and other water based facilities for which the Council is responsible, are maintained in a safe condition for the benefit of the users and the safety of staff.

3.0 Legal Responsibility

Various pieces of legislation place statutory duties on 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. Both statute and common law have a relevance to the operation of inland waters.

3.1 Statutory Health and Safety Requirements

The following legislation will need to be considered (further detailed information can be found at **Appendix 2**)

- Health and Safety at Work Act (HASAW) 1974
- The Management of Health and Safety at Work Regulations 1999 (previously 1992)
- Health and Safety (First Aid) Regulations 1981
- Public Health Act 1936
- Occupiers Liability Act 1999
- The Health and Safety (Safety Signs and Signals) Regulations 1996

3.2 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, ie following a near drowning incident.

3.3 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'.

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.

3.4 Exclusion Clauses

Civil liability can to some extent be passed on to a tenant or club; but liability for negligence resulting in death or personal injury cannot be avoided by exclusion clauses (Unfair Contract Terms Act 1977).

4.0 Provision of Off-Site Information

This section highlights the Council's commitment to providing safety information to staff and the public.

TMBC understand that providing literature/information on water safety to both the public and staff can help in the prevention of accidents and drowning. The development of this information will be ongoing, in order to fully engage the safety message to people.

The purpose of such information is to heighten people's perceived risk of open water and its surroundings to match that of the real risk. This is particularly important when considering children around open water as often their perceived risk of a hazard is very low.

TMBC will provide information to the public as follows:

- **A water safety webpage** – This webpage provides water safety information, drowning statistics, teacher lesson guides, posters for children to colour in and other key water safety information.
- **Literature distribution** – water safety leaflets, 'notices' in Borough magazines which go to all residents ('Here and Now', 'Activate')

This is to be complimented, where appropriate, by presentations within schools (primary and secondary).

5.0 On-Site Safety Provision

The following section identifies how each open water site is risk assessed and identifies key issues for consideration.

5.1 Risk Assessment (categorisation of sites)

Unsupervised open water can present a high level of risk due to the nature and use of adjacent walkways and hinterland. In order to assess the level of risk at each site, the Council will categorise sites to identify the highest and lowest risk areas so the appropriate action can be implemented. Sites have been categorised using the Risk Level Classification shown at **Appendix 3** and effectively gives each site a Risk Level from 'D' (lowest) to 'A' (highest). This categorisation will then dictate the appropriate safety measures that will need to be implemented, for example all category 'A' sites will require a separate site-specific water safety strategy.

5.2 Site Signage

Where necessary, three forms of site signage will be used to improve and ensure greater awareness of the potential dangers of water on the Council's public open spaces. These are:

Multi-signs – Signage outlining key dangers and key safety information, for example:

- Location
- Map of the site with lifesaving points and help points identified (where such equipment is installed)
- Do not enter the water
- No swimming
- Action to be taken in an emergency
- Location of nearest telephone
- Space should also be provided for the positioning of temporary notices (e.g. Danger – ice take care!)

Multi signs should be provided at each key site (category ‘A’ sites) with positioning of these being determined through the site specific safety strategies. It is important that this signage relates exclusively to safety and that it is kept simple and does not include any other information.

Safety Points – Life buoy covers repeating key information from Multi-signs (details of emergency telephone numbers, for example).

Safety points will be provided at key sites (category ‘A’ sites) where identified in the site specific strategies. Where safety points are prone to vandalism and their integrity cannot be guaranteed, an alternative strategy will be investigated (increasing the physical level of edge protection for example)

Nag Signs – These are smaller signs displayed in key locations, again repeating key information from the multi-signs eg Danger No Swimming, Deep Water.

Nag signs will be installed where necessary as outlined within the Site Specific Evaluation at **Appendix 4**.

5.2.1 Warning Sign Specification

Warning signs will be in accordance with the recommendations of the RoSPA water safety committee and the requirements of the Health and Safety Signs and Signals Regulations [amended 2002]. All new signs erected will meet the BS 5499-11:2002 BSI standard. The Council will consider the demography of the Borough when providing signage and multi-lingual signage will be installed where appropriate.

5.2.2 Additional Signage - Ice on Open Water

When ice develops on any of the Council’s principle sites of open water (category ‘A’ sites), the Council will ensure that temporary signs (Nag signs) highlighting the hazard to people are displayed where required.

The requirement to put up and take down these signs will be carried out by the site manager or the contractor in charge of monitoring, inspection, grounds maintenance and repair.

It is the Council's policy not to break ice when it forms, however consideration may be given to breaking ice in prolonged situations for environmental/wildlife reasons.

5.3 Rescue Equipment

Site rescue equipment, if required, will comprise of Life Rings and Throw Ropes. Life Rings are generally considered suitable for areas having steeper banks and deep water such as adjacent to locks, quay sides or rivers. Throw lines, however, are more suitable where the gradient is shallow and directional suitability is required.

The provision of rescue equipment at TMBC sites, if required, is identified at **Appendix 4** within the Site Specific Evaluations, within **Appendix 5** the Site Action Plans or within Site Specific Safety Strategies, following consultation and advice from RoSPA. Where equipment is required it will be essential to establish monitoring regimes.

Where appropriate, safety signage and lifesaving equipment should be combined into a position known as a safety point (as mentioned above). Where many safety points are located on one site, each should be identified by a number, recorded on a site plan and monitored. The location of 'safety points' will be determined by the risk assessment process and will likely reflect probable points of access to the water and where there maybe a rescue attempt. A safety point should be in visibility from any point around the potential risk.

5.3.1 Vandalism and Rescue Equipment

Life buoys and containers (safety points) can often be targeted for vandalism, graffiti and theft. Where safety points are prone to vandalism and their integrity cannot be guaranteed, an alternative strategy will be investigated (increasing the physical level of edge protection for example).

5.4 Edge Protection

Edge protection is generally at least a 1 metre gap of dense and/or hostile vegetation (weed, scrub, nettle and brambles for example) from the water body (lake, stream, river etc) to a designated path used by the public. The provision of edge protection at TMBC sites, if required, is identified at **Appendix 4** within the Site Specific Evaluation or within Site Specific Safety Strategies.

If it is necessary to carry out any work to edge protection vegetation, this will be carried out during the autumn, winter or spring with the following exceptions:

- a) Maintenance to areas required for the safe operation of the on-site sporting concessions, including angling, swimming and sailing.
- b) Work required for the health and safety of the general public.

5.4.1 Future Design of Water Edges

In the development of any new sites containing water a number of factors need to be taken into consideration in their design. Design guidance can be found within the RoSPA publication 'safety in inland water sites' – operational guidelines.

6.0 Environmental Management

All pollution (oil/blue green algae for example) of water should be reported to the manager of the site. In such cases the Council will ensure that suitable warning signs are displayed around the affected area and that water based recreational activities are appropriately restricted until water conditions improve.

When a potential risk to human health, associated with aquatic wildlife is identified, the Council will execute appropriate monitoring and reporting regimes as are directed by DeFRA or the Environment Agency. Any remedial actions dictated by these authorities will be implemented under their direction.

7.0 Staffing and Contractors

All TMBC staff and contractors responsible for open water sites are required to implement the Council's Health and Safety Policy and to undertake suitable and sufficient risk assessments in relation to activities carried out adjacent to water.

7.1 Site Supervision

On areas of open water full time supervision is deemed to be neither reasonable nor practicable and is not the most effective reaction to a water hazard. Where staff are present on site, they may take a proactive approach in educating the public and highlighting the common dangers around open water (distribution of water safety leaflets for example).

7.2 First Aid Provision at Open Water Sites

First aid equipment will be provided where there are permanent staff on site. All contractors with a formal agreement to use water bodies at Council sites must provide sufficient first aid equipment for staff.

8.0 Use of Open Water for Activities

Where a group or organisation wishes to use an area of water for an approved activity, an application must be made to the Council's Leisure Services. This does not apply to normal arrangements of a club or group using the water by lease, license or any other formal agreement. Applications

must be made at least four weeks in advance of the proposed event activity. When large events are being proposed more advance notice would be preferable.

The event organiser will be responsible for organising the event in line with the sites normal operating procedures. Risk assessments will be required for each event and will be checked by the site manager in liaison with the Council's Health and Safety Officer. Copies of all the documents will be made available to all staff involved in managing or working at the site.

9.0 Recording and Reporting of Accidents

Where a member of the public or staff are involved in a water based accident or sustains an injury, the incident should be recorded in accordance with Council procedures. Members of the public will be encouraged to report any incidents to the Council.

10.0 Monitoring

It will be the responsibility of the site manager(s) to implement and monitor all actions within the site specific water safety strategies and this responsibility will lie with the Water Safety Officer at all other identified locations.

List of TMBC Owned Outdoor Leisure Water Sites

Principal sites with heavy public use and large amounts of water:

- Leybourne Lakes Country Park
- Haysden Country Park
- Tonbridge Racecourse Sportsground
- Tonbridge Castle

Principle sites with heavy public use and small amounts of water:

- Tonbridge Farm Sportsground (Long Mead Way)
- Poulton Wood Golf Course

Other sites include:

- Lillieburn, Leybourne
- Woods Meadow, Leybourne
- River Walk, Tonbridge
- Cannon Lane, Tonbridge
- Swanmead Sportsground, Tonbridge
- Plot 51, Lyons Crescent, Tonbridge
- Area by entrance of Angel Centre, Tonbridge
- Priors Wood, Tonbridge
- Medway Wharf on Medway Wharf Road
- Area of land adjacent to car parks, Aylesford
- Plot 74 Ashbee Close, Snodland
- Birling Road Pond, Snodland
- Basted Mill Pond
- Woodland Walk (including Scotchers Field and Frog Bridge Sportsground)
- Trafalgar Road, Wouldham
- Bickmore Way Pond
- Mill Hall, Aylesford
- Brungers Pond