
NORTH AYRSHIRE COUNCIL

30 November 2021

Cabinet

Title: Water Safety Policy

Purpose: To seek Cabinet approval of an updated Water Safety Policy.

Recommendation: That Cabinet approves the updated Water Safety Policy.

1. Executive Summary

- 1.1 The Council is responsible for a number of inland and coastal waters with associated legal obligations in relation to safe operation. The revised Water Safety Policy at Appendix 1 outlines the legal responsibilities and duty of care placed upon the Council in relation to open water, and Appendix 2 details the locations.
- 1.2 The Council first introduced a Water Safety Policy in 1998. The current Water Safety Policy has been in operation since 2013. As part of a cyclical review of policies, the Policy has been revised and updated accordingly, and Cabinet approval is sought for implementation.

2. Background

- 2.1 The Open Space Asset Management Plan (OSAMP) sets out the Council's approach for the management and maintenance of all open space assets. This includes the 38 water courses and open water features that the Council is responsible for. The key objective of the OSAMP is to ensure that the Council's assets are managed effectively, and the Water Safety Policy contributes to the implementation of this.
- 2.2 The Council first introduced a Water Safety Policy in 1998. The current Water Safety Policy has been in operation since 2013. As part of a cyclical review of policies, the Council's Water Safety Policy has been revised and updated accordingly.
- 2.3 The policy has been updated and revised in line with guidance taken from RoSPA (The Royal Society for the Prevention of Accidents) to make some minor amendments (references to legislation etc.) and also to change the frequency of risk assessment to every five years in line with other authorities. Regular review of risk assessments will continue to be complemented by an inspection regime (the frequency of which will be commensurate with the waterway's risk classification).

2.4 The Policy overall makes a number of provisions for the safe operation of our open water assets, including:

- Regular risk assessment (every five years)
- Regular inspections (frequency dependent on risk category of the open water asset)
- Education and awareness
- Site signage
- Rescue equipment
- Access

2.5 The revised Water Safety Policy will ensure that the Council maintains appropriate and sustainable water safety management arrangements in place for areas of open water under its control.

2.6 The policy, attached at Appendix 1, sets out the Council's approach to the safe provision and use of inland and coastal waters for which it is responsible. Appendix 2 details the locations of waterways in Council ownership.

3. Proposals

3.1 That Cabinet approves the updated Water Safety Policy, attached as Appendix 1.

4. Implications/Socio-economic Duty

Financial

4.1 None.

Human Resources

4.2 None.

Legal

4.3 There are a number of legal responsibilities and duties upon the Council in the safe operation of inland and coastal waters within its ownership or control. These are detailed in Appendix 1 of the Water Safety Policy.

Equality/Socio-economic

4.4 None.

Environmental and Sustainability

4.5 Proper management of our open water assets ensures they remain in satisfactory condition and continue to provide important habitat for flora and fauna as part of North Ayrshire's biodiversity duty.

Key Priorities

4.6 The policy contributes to the priority of 'A safe North Ayrshire', in the Community

Planning Partnership's Local Outcomes Improvement Plan.

The safe operation of inland and coastal waters provides a positive contribution to the Council's Aspiring Communities priority of 'North Ayrshire's residents and communities are safe.'

The policy also plays an important role in delivering against Scotland's Public Health Priority 1 of 'A Scotland where we live in vibrant, healthy and safe places and communities.'

Community Wealth Building

- 4.7 The Water Safety Policy will support delivery of the Land and Assets objective by 'supporting the wider regeneration of our communities by maximising all of our land and assets.'

5. Consultation

- 5.1 This revised policy has been updated with reference and guidance taken from RoSPA (The Royal Society for the Prevention of Accidents) and through the Water Safety Scotland forum.

RUSSELL McCUTCHEON
Executive Director (Place)

For further information please contact **David Hammond, Head of Commercial Services**, on **01294 324570**.

Background Papers

0

North Ayrshire Council – Water Safety Policy (updated 2021)

1. Introduction

- 1.1 Within North Ayrshire there are a number of public open spaces within the ownership of the Council 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 positive contribution that well managed water spaces can provide to the area; enhancing the environment, through leisure use, supporting tourism and healthy living objectives. The types of open water within the responsibility of the Council include:

- Lochs & Lochshores
- Rivers & Riverbanks
- Ponds
- Streams
- SUDS (Sustainable Urban Drainage Systems) Ponds
- Drainage ditches
- Beaches & Coastlines
- Promenades
- Slipways/Piers

- 1.2 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 or skate on ice in the winter. It is not practical to deny access to all water nor is it necessary to erect barriers at all locations. The Council in its risk assessment of open water will take all 'reasonable steps' to protect people from danger. This policy has been written in line with guidance provided by the Royal Society for the Prevention of Accidents (RoSPA).

2. Statement of Intent

- 2.1 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 as safe a condition as is practicable, for the benefit of the users and the safety of employees.
- 2.2 This policy does not refer to the organisation of activities for individuals under the age of 18, this is managed separately and is provided for under the Activity Centres (Young Persons Safety) Act 1995.

- 2.3 This policy is in respect of areas of inland water and coastal areas that are the responsibility of the Council. It does not consider those within private ownership. In these cases, private owners must make appropriate arrangements to ensure that their legal obligations are adequately discharged.

3. Legal Responsibility

- 3.1 There are a number of legal obligations in both Common Law and Statute upon the Council in respect of access to and the safe management of inland and coastal water sites for which it is responsible.
- 3.2 The public enjoys various rights of access over the sea, seabed and the foreshore and of navigation in inland waters through Common Law and the Land Reform (Scotland) Act 2003. The Scottish Outdoor Access Code accompanies the 2003 Act and is the key reference source for event organisers.
- 3.3 The following legislation places duties upon the Council in respect of the safe operation of waters for which it is responsible:-
- Health and Safety at Work Act (HASAW) 1974
 - The Land Reform (Scotland) Act 2003
 - The Management of Health and Safety at Work Regulations 1999
 - Health and Safety (First Aid) Regulations 1981
 - Public Health Act 1936
 - Occupiers 'Liability (Scotland) Act 1960
 - The Health and Safety (Safety Signs and Signals) Regulations 1996
 - Unfair Contract Terms Act 1977
- 3.4 The Council also has a 'duty of care' responsibility through common law. This requires the Council 'to take reasonable care to avoid acts or omissions which can reasonably be foreseen as likely to cause injury'. 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. Similarly, users of waterways are expected to share the responsibility for their safe use by not ignoring hazards, abusing facilities or equipment or exercising ill-judgement.

4. Inspection

- 4.1 Risk assessments will be reviewed on a five-year cycle, in response to works at a site or location or immediately where an accident or incident has occurred. The assessment will identify the conditions at each site and the appropriate mitigating actions to enable the Council to meet its legislative responsibilities.
- 4.2 A regular inspection programme is in place to ensure that the mitigating actions put in place to manage the level of risk are well maintained and identify any changes to the site that will require a new risk assessment. Inspections will be taken at a frequency commensurate with the risk classification of the site as follows:-
- High Risk – areas identified as high risk or for some other reason recorded as warranting a higher level of inspection will be inspected four times annually in Spring, Summer, Autumn & Winter.
 - Medium to Low Risk – areas identified as medium to low risk will be inspected twice annually in Spring & Autumn.

Those sites where signage and or safety equipment and points have been installed will be inspected on a weekly basis to ensure that equipment is in good order.

- 4.3 Action to address any issues identified during the routine site inspection will be prioritised as follows:-
- Priority 1: action to be taken within 2 working days or as soon as practicable – any change in the condition of the site which by its nature constitutes a high risk to users e.g. significant deterioration of the surface adjacent to water, damage to safety equipment.
 - Priority 2: action to be taken within 5 working days – any change in the condition of the site that by its nature has the potential to increase the risk to users within the immediate future. This includes the theft and/or damage to safety appliances and signs.
 - Priority 3: action to be taken with 4 weeks – any change to the condition of the site which by its nature if not put right has the potential to increase the risk to anticipated users e.g. erosion of footways.

5. Education & Awareness

5.1 The Council recognises that the provision of literature and pertinent information on water safety to both the public and staff can enable the prevention of accidents and drowning. Appropriate information can 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. The development of this information will be continuous, in order to fully engage the safety message to people and will include the following:

- Provision of water safety information on the Council's website
- Provision of timely information through social media and other media routes in response to seasonal events e.g. hot weather, ice, high tides etc.
- Design and subsequent distribution/display of literature amongst users
- Presentations to school children
- Provision of on-site warning signs and information
- Provision of rescue equipment at key locations

6. Risk Assessment (categorisation of sites)

6.1 Unsupervised open water can present a high level of risk due to the nature and use of adjacent walkways. The level of risk at each site will be assessed through the Risk Level Classification matrix attached at Appendix 1. Those sites identified as 'high risk' will require a separate site-specific water safety strategy.

6.2 The risks identified in this assessment will be mitigated through a range of actions and safety measures including signage, equipment and physical barriers.

6.3 Site Signage

6.3.1 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 will be provided at each key site (category High Risk 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 – Lifebuoy covers repeating key information from Multi-signs (details of emergency telephone numbers, for example).

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

- 6.3.2 Warning signs will be in accordance with 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.
- 6.3.3 The Council will erect additional temporary signage where appropriate to alert the public to short-term or seasonal hazards e.g. ice.

6.4 Rescue Equipment

- 6.4.1 The provision of site rescue safety equipment will be identified through the Risk Classification process. Site rescue equipment, if required, will comprise of Lifebuoys and Throw lines. Lifebuoys are generally considered suitable for areas having steeper banks and deep water such as adjacent to quay sides or rivers. Throw lines, however, are more suitable where the gradient is shallow and directional suitability is required.
- 6.4.2 Where appropriate, rescue equipment will be combined with safety signage and located into a position known as a safety point. Where a number of safety points are located on one site, each will 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 visible from any point around the potential risk.

- 6.4.3 Rescue equipment is often subject to vandalism and theft. In those locations where the continued integrity of equipment cannot be maintained consideration will be given to alternative safety methods such as increasing the physical level of edge protection.

6.5 Edge Protection

- 6.5.1 Natural edge protection is a low cost and effective method to control access to water. In order for it to be effective, it should consist of 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. If it is necessary to carry out any work to edge protection vegetation, this will generally be carried out as part of the winter maintenance and planting programmes with the following exceptions:

- Maintenance to areas required for the safe operation of the onsite sporting concessions, including angling, swimming and sailing;
- Work required at the earliest opportunity for the health and safety of the general public.

- 6.5.2 Where the requirement for edge protection has been identified but where natural vegetation cannot be grown or where it cannot provide the required level of protection consideration will be given to the erection of suitable structures such as railings, walls etc.

7. Ice

- 7.1 The Council will erect additional temporary signage where identified through risk assessments to alert the public the hazards associated with ice. This will be supplemented by the release of timely information through the Council's communication channels.
- 7.2 As a general rule, ice will not be broken when it forms, however where safe, consideration may be given to the limited breaking of ice in prolonged cold weather situations for environmental/wildlife reasons.

8. Pollution

- 8.1 Any instances of water pollution (oil/blue green algae for example) should be reported at the earliest opportunity to enable appropriate actions to be implemented. 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 directed by the Scottish Environment Protection Agency. Any remedial actions dictated by them will be implemented under their direction.

9. Employees and Contractors

- 9.1 All Council employees and appointed contractors working on or in the vicinity of 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.
- 9.2 It is neither reasonable nor practicable to provide full-time supervision to areas of open water and is not the most effective reaction to a water hazard. However, where employees are present on site, they may take a proactive approach in educating the public and highlighting the common dangers around open water.

10. Use of Open Water for Activities

- 10.1 Where a group or organisation wishes to use an area of water for an approved activity, an application must be made to the Council. This does not apply to normal arrangements of a club or group using the water by lease, licence, or any other formal agreement.
- 10.2 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.
- 10.3 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.

11. Recording and Reporting of Accidents

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

Appendix 1

Risk Level Classification

A progressive programme of Risk Assessments will be undertaken to determine conditions at each site in accordance with are policy.

The following

| Severity | Rating | Definition |
|-------------------------------|----------|---|
| Near Miss | 1 | No injury incident, minor property, vehicle or plant damage |
| Minor | 2 | A minor injury, such as cuts and bruises which can be dealt with on site by administering first aid |
| Non –reportable | 3 | A major injury to person/s requiring more than minor first aid. May require trip to casualty |
| Reportable | 4 | Critical injury to person/s e.g. broken limbs, major cuts. An essential need for medical help and possible hospitalisation. More than 3 days required off work. |
| Specified Major Injury | 5 | Permanent or life-threatening injury to a person/s e.g. loss of limb. |
| Fatal Injury | 6 | Immediate loss of life or lost person/s at sea or in waterway |

| Likelihood | Rating | Definition |
|-------------------|----------|--|
| Unlikely | 1 | Not to be expected |
| Improbable | 2 | Unusual/rare – an event that is so unlikely that it should not be considered as possible |
| Occasional | 3 | Could happen |
| Probable | 4 | Not a surprise – unlikely to occur often but may occur several times during the season under normal weather conditions |
| Likely | 5 | To be expected – likely to occur under normal conditions but is possible under extreme weather conditions |
| Certain | 6 | Likely to occur under all weather conditions throughout the year |

Inland Water Safety Risk Assessment Proforma

| | | | | |
|--|--|------------------|---|---|
| Site Name: | | Grid Ref: | E | N |
| Type of Water Course: | | | | |
| Description and specific location of Area Assessed: | | | | |
| | | | | |

| | | | |
|-------------------------------|-------------|--|--|
| 1. Physical Assessment | | | |
| | | | |
| 1.1 | Water type | | |
| | | | |
| 1.2 | Depth | | |
| | | | |
| 1.3 | Width | | |
| | | | |
| 1.4 | Banking | | |
| | | | |
| 1.5 | Gradient | | |
| | | | |
| 1.6 | Edge Growth | | |
| | | | |
| 1.7 | Paths | | |
| | | | |
| 1.8 | Fencing | | |
| | | | |

| |
|-------------------------------|
| 1.9 Overall Assessment |
| |

| | |
|----------------------------|--|
| 1.10 Risk Potential | |
| Low | |
| Medium | |
| High | |

| 2. Environmental Assessment | | | |
|-----------------------------|-------------------|------------------|---------------------------------|
| 2.1 Detail | Distance to Water | Intervening Area | Access Type e.g. remote/limited |
| | | | |
| | | | |
| | | | |

| 2.2 Overall Assessment |
|------------------------|
| |

| 2.3 Risk Potential |
|--------------------|
| Low |
| Medium |
| High |

| 3. Behavioural Assessment | | | |
|---|-----------|-----------------|-------------------|
| Detail types and frequency of use of the area including identification of vulnerable groups | | | |
| 3.1 Type of use | Frequency | High/Medium/Low | Vulnerable Groups |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

| 3.2 Risk Potential |
|--------------------|
| Low |
| Medium |
| High |

| | | |
|---|---------------|------------------|
| 4. Preventative Measures Existing | | |
| Details of existing preventative measures | | |
| Preventative Measures | Detail | Condition |
| | | |
| 4.1 Fencing | | |
| | | |
| 4.2 Walkways | | |
| | | |
| 4.3 Edge Treatment | | |
| | | |
| 4.4 Signage | | |
| | | |
| 4.5 Location | | |
| | | |
| 4.6 Ice Management | | |
| | | |

| | | |
|---|-------------------------|-----------------------|
| 5. Preventative Measures Recommended | | |
| Detail | Location/Comment | Date Completed |
| | | |
| | | |
| | | |

| | |
|---|--|
| 6. Inspection Schedule Recommended | |
| High Risk – Quarterly | |
| Medium to Low Risk – 6 monthly | |
| Signage/Safety Appliances – weekly | |

| | |
|---------------------------------|--------------------------------|
| Assessment Completed By: | Name: Designation: Date: |
| Checked By: | Name: Designation: Date: |

| |
|-----------------|
| 7. Notes |
| |

Coastal Waterways Risk Assessment

| | | |
|------------------------|----------|----------|
| Grid Reference: | E | N |
|------------------------|----------|----------|

| | | |
|----------------------|---------------------|--------------|
| Completed By: | Designation: | Date: |
|----------------------|---------------------|--------------|

| | |
|-------------------------|--|
| Responsible Body | |
|-------------------------|--|

| |
|--|
| General Description of Area Boundaries: |
|--|

Assessment Notes

| | |
|-------------------|--|
| Beach Name | |
|-------------------|--|

| Month | Number of Visitors per Month |
|-----------|------------------------------|
| April | |
| May | |
| June | |
| July | |
| August | |
| September | |
| October | |

Appendix 3

| |
|------------------------------------|
| Any further notes/comments: |
|------------------------------------|

Beach Plan identifying the following:

- Local Landmarks
- Hazards
- Area of Concern

Coastal Water Risk Assessment Proforma

| | Hazards | Severity (S) | Likelihood (L) | S x L | Incidents |
|--|----------------------------------|---------------------|-----------------------|--------------|------------------|
| E N V I R O N M E N T A L | Rip Currents | | | | |
| | Underflow | | | | |
| | Longshore Drift | | | | |
| | Estuarial Currents | | | | |
| | Tidal Cut Off | | | | |
| | High Seas, Heavy Surf Conditions | | | | |
| | Plunging/Dumping Waves | | | | |
| | Surging Waves | | | | |
| | Weather | | | | |
| | Winds & Chills | | | | |
| | Sun | | | | |
| | Poor Visibility | | | | |
| | Changeable /extreme conditions | | | | |
| | Cliff Fall/Landslip | | | | |
| | Sandbars/Sandbanks | | | | |
| | Unsafe Beach Access | | | | |
| | Hazardous Substances | | | | |
| | Fuel Oils | | | | |
| | Waste | | | | |
| | Sharps | | | | |
| | Other | | | | |
| | Sharps | | | | |
| E N V I R O N M E N T A L | Water Quality | | | | |
| | Industrial Plant | | | | |
| | Sewage Outfall | | | | |
| | Agricultural Run Off | | | | |
| | Microbiological | | | | |
| | Other | | | | |
| | Beach/Marine Envenomation | | | | |
| | Bee/Wasp | | | | |
| | Weever Fish | | | | |
| | Jelly Fish | | | | |
| | Sun | | | | |

| | Hazards | Severity (S) | Likelihood (L) | S x L | Incidents |
|--|----------------------------|--------------|----------------|-------|-----------|
| P H Y S I C A L | Natural Structures | | | | |
| | Cliffs | | | | |
| | Large Rocks | | | | |
| | Promenade | | | | |
| | Man Made Structures | | | | |
| | Harbour Walls | | | | |
| | Piers | | | | |
| | Jetties | | | | |
| | Buildings | | | | |
| | Coastal Defences | | | | |
| | Sea Walls | | | | |
| | Wave Breaks | | | | |
| | Groynes | | | | |

| | Hazards | Severity (S) | Likelihood (L) | S x L | Incidents |
|----------------------------------|-------------------------------|--------------|----------------|-------|-----------|
| H U M A N | Activity Hazard | | | | |
| | Swimming | | | | |
| | Surfing/Body Boarding | | | | |
| | Sailing | | | | |
| | Windsurfing | | | | |
| | Snorkeling | | | | |
| | Climbing | | | | |
| | Inflatables | | | | |
| | Powered Craft | | | | |
| | Kite Surfing | | | | |
| | Walking | | | | |
| | Other | | | | |
| | Behavioural Hazards | | | | |
| | Bravado | | | | |
| | Alcohol | | | | |
| | Drug Abuse | | | | |
| | Violent/Threatening Behaviour | | | | |
| | Other | | | | |
| | Vulnerable User Group | | | | |



Legend

Lines

 Override 1

Map Title:

ArcGIS Web Map

Logo:



Scale:

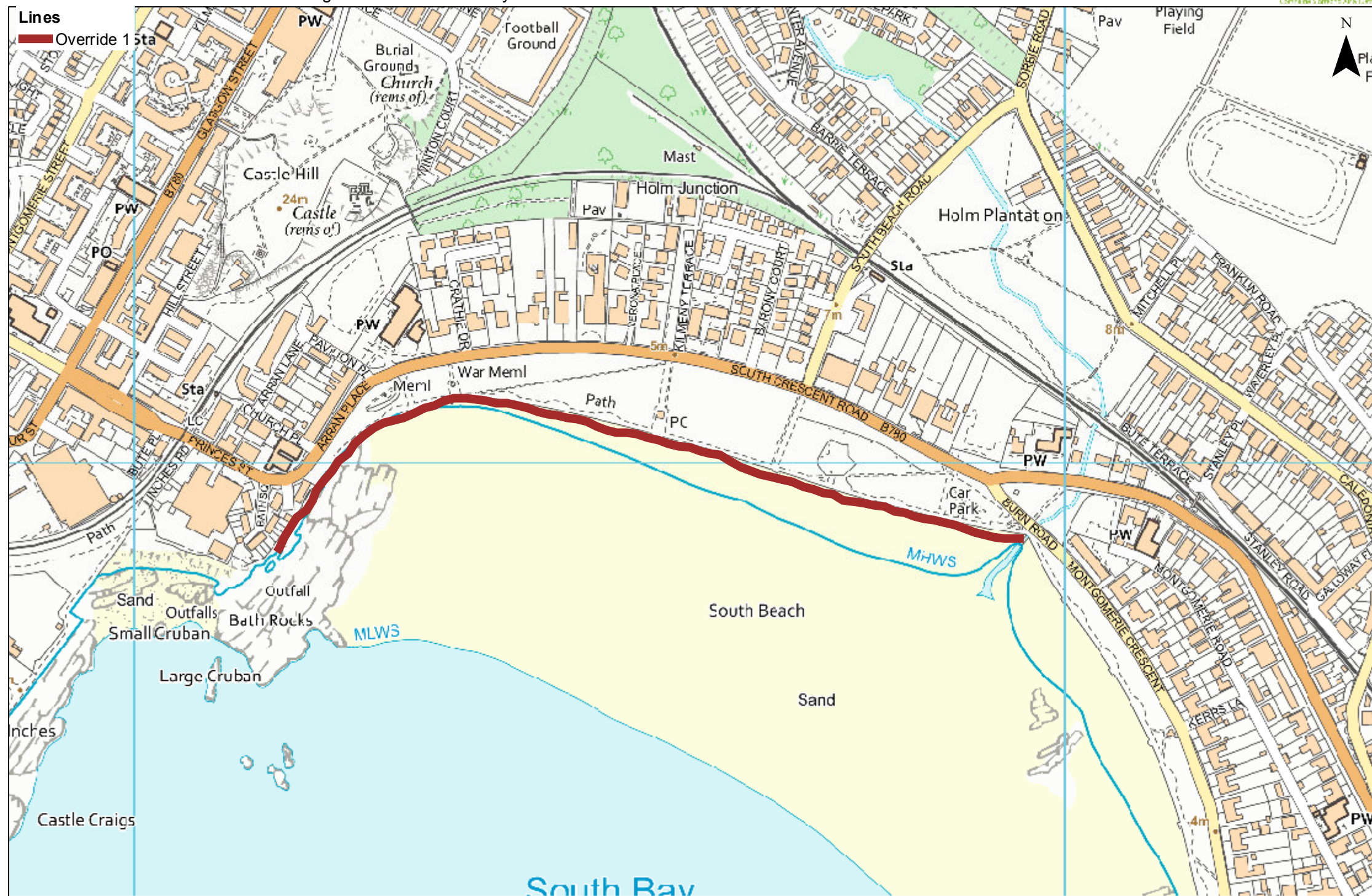
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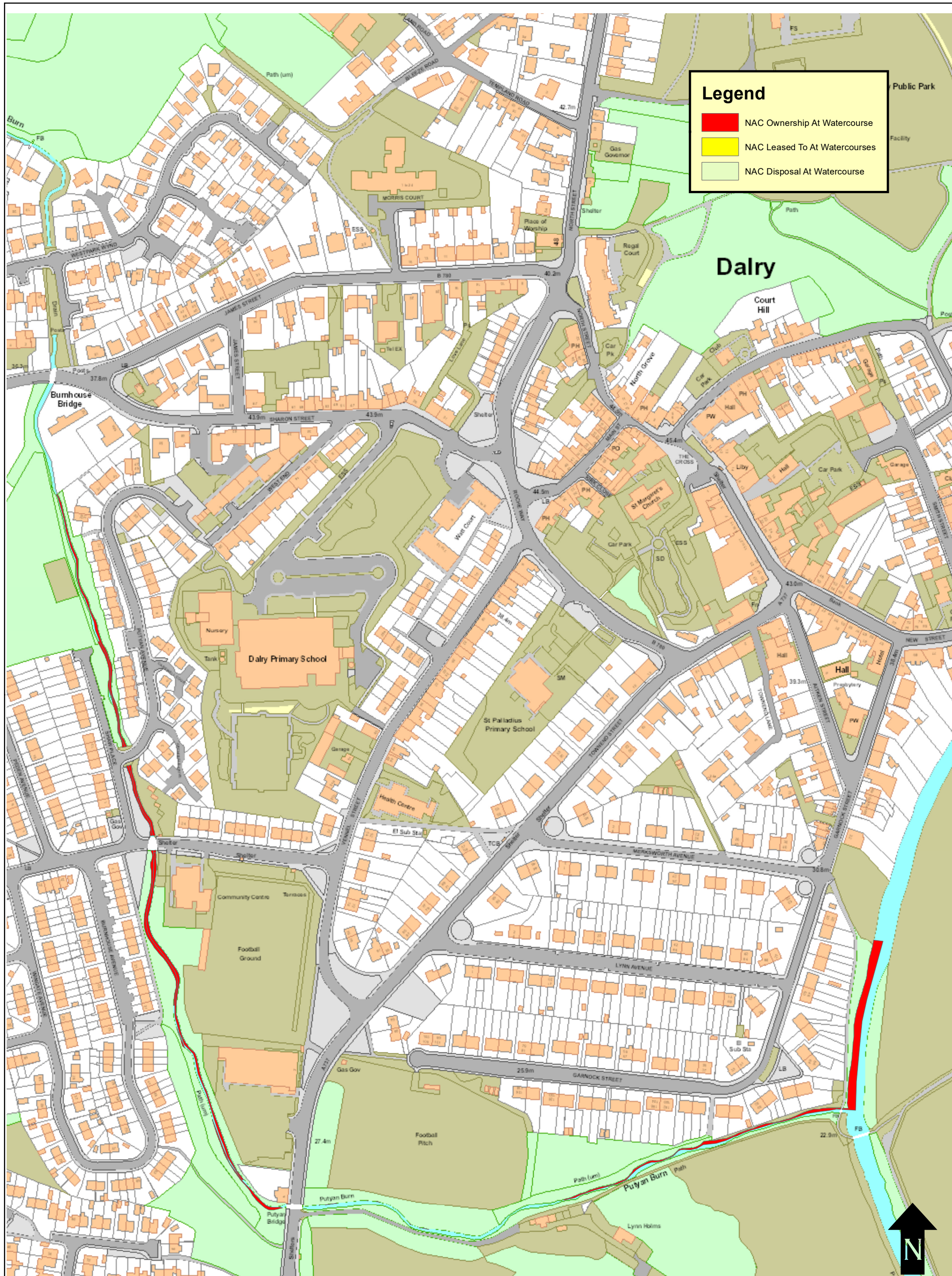
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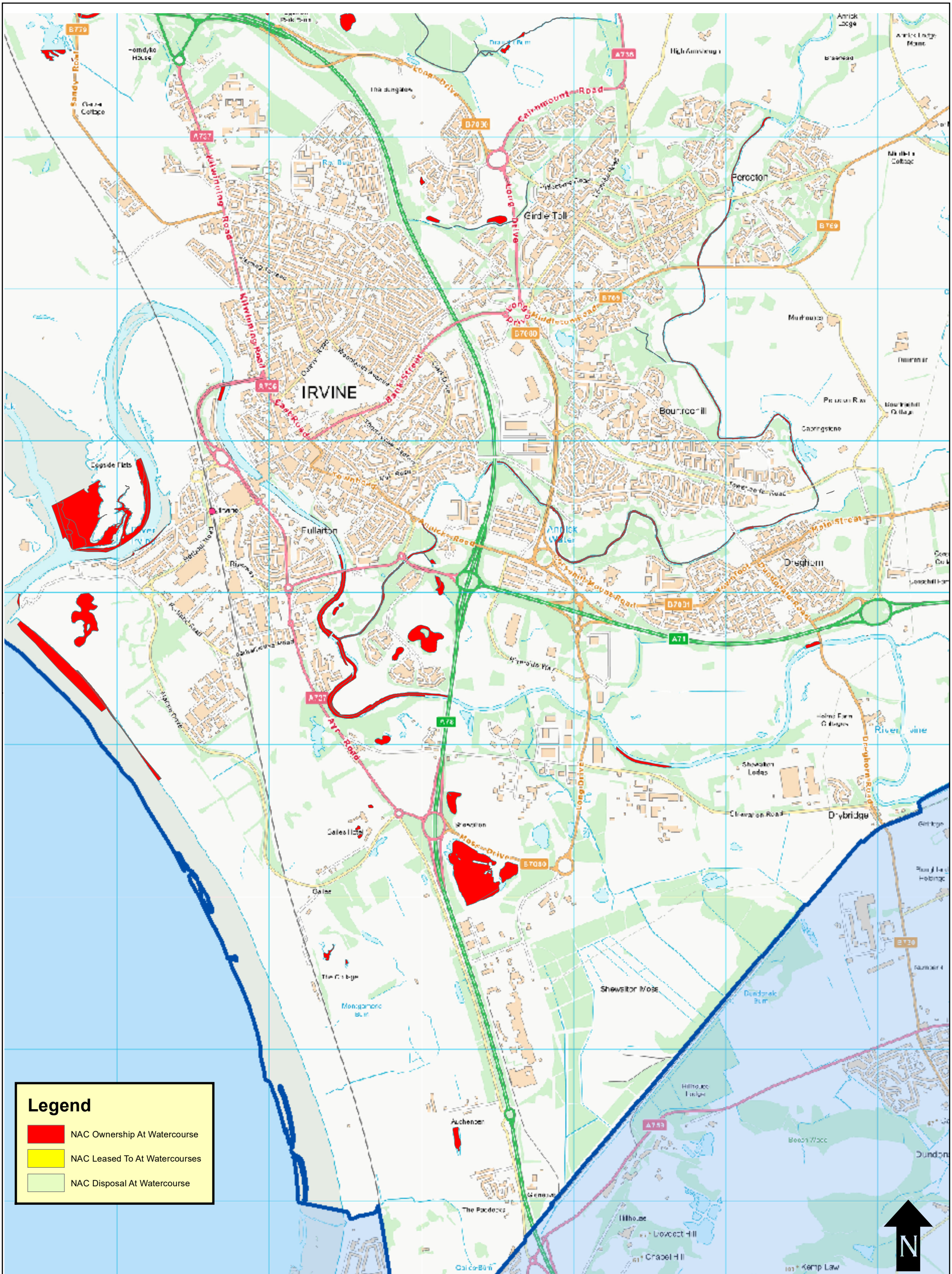
NORTH AYRSHIRE
COUNCIL
Commercial Services
Roads


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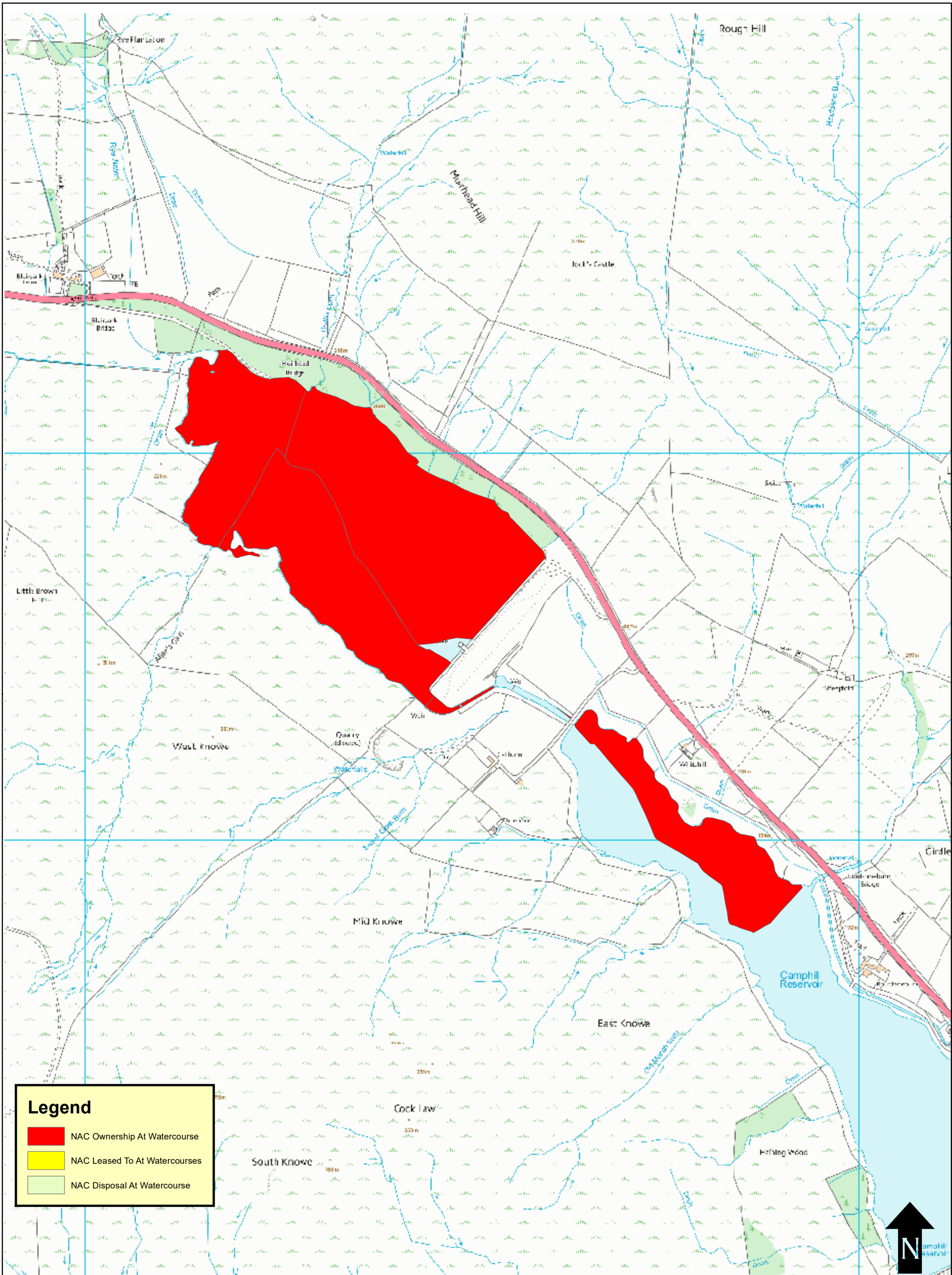
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NAC Ownership At Watercourse

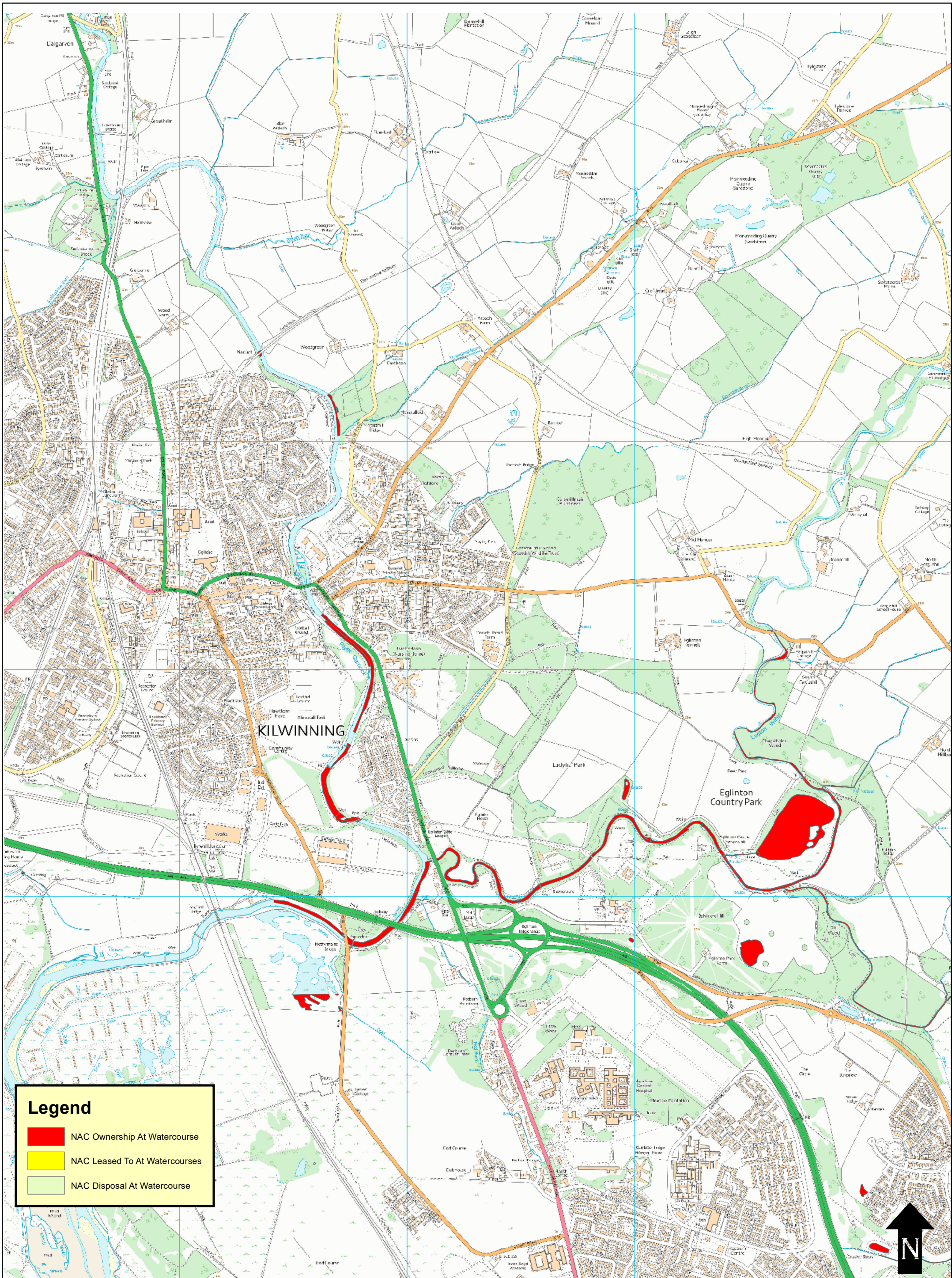
NAC Leased To At Watercourses


NAC Disposal At Watercourse

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Logo:



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath



Legend

Lines

 Override 1

Map Title:

ArcGIS Web Map

Logo:



Scale:

1:2,500

Paper Size:

A3

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