

## MANAGING THE ENVIRONMENT POLICY AND DEVELOPMENT GROUP 6 AUGUST 2019

### Play Area Risk Assessment and Safety Inspection Review

- Cabinet Member(s):** Cllr Luke Taylor – Cabinet Member for Environment
- Responsible Officer:** Andrew Busby – Group Manager for Corporate Property and Commercial Assets
- Reason for Report:** **To review the way in which the Council manages its play area risk assessments and safety inspections.**

#### RECOMMENDATION:

- 1. Cabinet note that the current risk assessments and proposed reduction in safety inspections are considered adequate to meet the Council's responsibilities and for individual pieces of play equipment to be identified on the Risk Assessment forms.**
- 2. Cabinet note that digital transformation of the current inspection method would make the task more efficient and that implementation of a process will be expedited.**

**Financial Implications:** The cost of litigation should the Council be found negligent with regards to inspection and maintenance of its play areas.

**Legal Implications:** The Council must have an inspection and maintenance regime for its play areas as stated within the Health and Safety at Work Act 1974.

**Risk Assessment:** There is a potential cost of litigation should the Council be found negligent with regards to inspection and maintenance of its play areas.

**Equality Impact Assessment:** Regular inspection ensures the safe availability of play facilities for all elements of the community in the Councils play areas throughout the District.

**Relationship to Corporate Plan:** Ensures equipment in play areas and parks is fit for purpose to encourage active play and recreation for children and young people.

**Impact on Climate Change:** None.

#### 1.0 Introduction/Background

- 1.1** The previous review of risk assessments and safety inspections of the Council's play areas was carried out in 2016.
- 1.2** Mid Devon have 94 play areas (including skate parks and BMX track) in its direct control. The number of Play Area leased to Parish and Town Council is 12, there are a further 5 pending and the lease-in of land for 3 further sites are to be taken over by the Parish Councils. There are 2 closed sites with no equipment. The total will reduce to 86 during the current year and further as

the process to transfer to Town and Parishes (and other organisations) continues.

- 1.3 There shall also inevitably be a reduction in the number of pieces of equipment within play areas to inspect due to the managed decline of equipment and the lack of funding to replace it; un-equipped play areas shall still require inspections.
- 1.4 The District Council has a legal responsibility for the safety of those using their playgrounds. Both criminal and civil aspects of the law are relevant.
- 1.5 Under sections 3 and 4 of the Health and safety at Work Act 1974 there is a clear duty on playground providers to ensure so far as reasonably practicable, the health and safety of those who use the facility. Failure to comply with the duties under these sections of this act may result in legal enforcement action being taken. An improvement or prohibition notice could be served and/ or the appropriate enforcing authority could bring a prosecution.
- 1.6 Inspections are carried out by two qualified members of staff within Property Services. The FTE is 0.7 at a cost of £34,235 for inspection of equipment and supervision of £45,580 (2018/19) essential operational maintenance works (excluding Capital).
- 1.7 Income from Parish Councils for the provision of an inspection service was £1,289 (2018/19). The recharge rate for this work is subject to review to better reflect the actual cost and will increase as further play areas are transferred.

## 2.0 **Inspection Regime**

- 2.1 The publication “Best Play” states that play provision should aim to manage the balance between the need to offer risk and the need to keep children safe from harm.
- 2.2 There is a legal requirement to carry out risk assessments on all play areas, the Health and Safety Executive has endorsed the use of risk versus benefit assessments, for children’s play area provision.
- 2.3 Although the number of play areas that Mid Devon are responsible for have reduced there is still a need to ensure that play areas that pose the highest potential risk receive the highest level of inspections. This has been determined by carrying out a play area Risk Assessment that awards scores to each site depending on the type of equipment installed and the inherent risk that it poses. The higher the score the more frequent the inspection regime, see annex 1 and 2.
- 2.4 Inspections are categorised as Routine, Operational and Annual, with a reduced schedule operating during the autumn and winter; Daily, Twice Weekly and Saturday inspections are classed as Routine. Currently each of our play areas receives an annual and a monthly inspection as a minimum. The higher scoring sites receive additional routine inspections to a maximum of 6 per week; Monday to Saturday there are no inspections on Sundays.

- 2.5 Around 3000 inspections are undertaken annually.
- 2.6 Inspections are classified as:
- a) Routine Inspection - this is a basic safety check and will identify hazards resulting from vandalism and wear and tear from normal use.
  - b) Monthly Inspections - are more detailed and include the condition of both static and moving parts, such as chains, seats and bearings.
  - c) Annual Inspection - this examines the integrity of the structures and takes an overview of the play area as a whole.
- 2.6 Inspection frequency is under constant review depending on condition of equipment, behaviour of users and weather. Reduced inspection frequencies during autumn/ winter are off-set with increased emphasis on land drainage and flood-defence assets.
- 2.7 All inspections are entered into a database and the results can be interrogated to ensure identified repairs are carried out.
- 2.8 In addition to the in-house inspections as detailed above an annual independent inspection is carried out by RoSPA.
- 2.9 Routine Inspections carried out daily (excepting Sunday) are at the three larger park sites, skate parks and BMX track. It should be noted that these Inspections especially during school holiday periods are more often than not a litter picking exercise. Litter accumulating at the skate parks, BMX track and shelters in the larger parks
- 3.0 **Safety Record**
- 3.1 The safety record is very good. There has been a single claim in the previous review period. This was concluded to be no blame to the Council. This endorses the thoroughness of inspection regime and quality of new installation – although shouldn't lead to complacency.
- 4.0 **Recommendations**
- 4.1 That the current play area risk assessment and inspection regime generally continues as it is.
- 4.2 It is proposed that the Daily Routine Inspections are reduced to three-times weekly and exclude Saturday. Routine Inspection of higher risk play areas for safety defects will continue to be carried out on a Friday in advance of the weekend. All play areas contain signs advising of how to report damage should that be necessary at any time, At no-time have safety defects other than litter (broken glass) been found during a Saturday inspection. Effective alternative arrangements will need to be made for litter collection at these sites. While these sites might be on a litter collection round for later in the day the Inspectors visiting earlier are unable to leave the sites with litter esp.

broken glass. The timing of litter collections may need adjusting to ensure early attendance.

- 4.2 The number of inspections will be reduced by around 156 (not significant in the whole). Time gained will be utilised to secure income providing a further inspection service for the Parish and Town Councils. Time will also be utilised where possible to undertake repairs to reduce the dependence on contractors.
- 4.3 To implement a cost effective means of directly entering inspection records into a database via handheld or portable devices. Discussion with ICT indicates that this is achievable with existing devices and software with a little development and training of inspectors.

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**Circulation of the Report:** Cabinet Member seen and approved Leadership Team seen and approved

**List of Background Papers:** Environment PDG -Safety Inspection 8<sup>th</sup> March 2016.