

ENVIRONMENT POLICY DEVELOPMENT GROUP

19 JULY 2022

PLAY AREA RISK ASSESSMENT AND SAFETY INSPECTION REVIEW

Cabinet Member(s): Cllr Colin Slade – Cabinet Member for Environment and Climate Change

Responsible Officer: Andrew Busby –Corporate Manager for Property, Leisure and Climate Change

Reason for Report: To review the way in which the Council manages its play area risk assessments and safety inspections.

Recommendation: To recommend to Cabinet that:

1) The current risk assessments and safety inspections frequency 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) 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.

Budget and Policy Framework: The report has no impact on budget and policy framework. It should be noted that the number of play areas is reducing and income for inspecting for third parties is increasing.

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 and the Management of Health and Safety at Work Regulations (1999) to ensure the health and safety of users, as far as reasonably practicable.

Risk Assessment: There is a potential cost of litigation and loss of reputation should the Council be found negligent with regards to inspection and maintenance of its play areas leave alone injury or death of a child.

Equality Impact Assessment: The Council is aware of the Equality Act 2010 duty that requires that play area providers assess their play areas for suitability by disabled users. There are no equality issues raised specifically in this report however, which is a review of current risk assessments and safety inspections of play areas.

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 2019.
- 1.2 Mid Devon have 83 play areas (including skate parks and BMX track) in its direct control. The number of Play Area leased to Parish and Town Council is 17, there are a further 3 pending and the lease-in of land for 1 further site is to be taken over by the Parish Council on expiration. There are 3 closed sites with no equipment. It is anticipated that the total will reduce to 81 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 and play areas to inspect over time due to the managed decline of equipment and the lack of funding to replace it in some places resulting in closures in accordance with previously agreed Policy subject to review with Town and Parish at the time; 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 0.70 at a cost of £22,470 for inspection of equipment and supervision of £47,820 (22-23 budget) essential operational maintenance works (excluding Capital).
- 1.7 Income from Parish Councils for the provision of an inspection service is projected to be circa £3,000 in 2022/23. The recharge rate cost is subject to further review prior to 2023/24 The total may increase further as 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 in its guidance note EN1176 has endorsed the use of risk versus benefit assessments, for children's play area provision. The HSE encourages a focus on the sensible and proportionate control of real risks and not on unnecessary paperwork.

- 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 Annex 1 shows an example of an individual play area risk assessment and Annex 2 shows a summary of all play areas, risk scores and inspection frequencies.
- 2.5 Inspections are categorised as Routine, Operational and Annual, with a reduced schedule operating during the autumn and winter; Twice and Three Times Weekly inspections are classed as Routine. Currently each of our play areas receives a Monthly and an Annual Inspection as a minimum. The higher scoring sites receive additional Routine Inspections to a maximum of Three per week; Monday to Friday - there are no weekend or bank holiday inspections with refuse operatives being observant to gross defects on those days in the higher risk sites where bins are also being serviced.
- 2.6 Around 2000 inspections are undertaken annually.
- 2.7 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.
- 2.8 Inspection frequency is under constant review depending on condition of equipment, prevalence of anti-social behaviour and vandalism and the weather. Reduced inspection frequencies during Autumn/ Winter are off-set with increased emphasis on land drainage and flood-defence assets.
- 2.9 All inspections are entered into a database and the results can be interrogated to ensure identified repairs are carried out.
- 2.10 In addition to the in-house inspections as detailed above an Annual independent inspection is carried out by independent certified Annual Play Area Inspection company – this has been RoSPA but other providers are available and service value will be tested.
- 2.11 Routine Inspections carried out Twice and Three times weekly are at the four larger park sites (Amory Park, Peoples Park and Westex Recreation Ground in Tiverton and Newcombes Meadow in Crediton), 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 Council is aware of two accidents in the review period. This has led to greater emphasis on the causes additional risk consideration for play area with tiled safer surfacing.
- 3.2 There has not been any claim received by the Council in the review period. This is a reflection of the thoroughness of inspection regime and quality of new installation compliance with guidance, although this should not lead to complacency. Guidance on play area safety can be open to interpretation by qualified staff and independent experts which Property Services and the Health and Safety Officer consider prior to implementation.
- 3.3 The reduction in inspection frequency approved at the previous review has had no evident detrimental impact.

4.0 **Recommendations**

- 4.1 That the current play area risk assessment and inspection regime continues as it is.
- 4.2 To seek to implement a cost effective means of directly entering inspection records into a database via handheld or portable devices at the earliest opportunity.

Contact for more Information: Andrew Busby -Corporate Manager for Property, Leisure & Climate Change - Email abusby@middevon.gov.uk – Telephone 01884234948.

Circulation of the Report: Cllr Colin Slade – Cabinet Member for Environment and Climate Change, Leadership Team

List of Background Papers: Environment PDG -Safety Inspection 6 August 2019.