

Report for: CABINET

Date of Meeting:	7 October 2025
Subject:	Play Area Risk Assessment and Safety Inspection Review
Cabinet Member:	Cllr Josh Wright, Cabinet Member for Service Delivery and Continuous Improvement
Responsible Officer:	Paul Deal, Head of Finance Property and Climate Resilience
Exempt:	N/A
Wards Affected:	All
Enclosures:	Appendix 1 – Risk Assessment Record (site specific) Appendix 2 – Risk Assessment (Parish order)

Section 1 – Summary and Recommendation(s)

To review the Council's management of play area risk assessment and safety inspections

Recommendation(s):

That Cabinet approve the continued approach for the inspection and risk assessment of the council's play areas and that these are brought back for future review no later than 2028 as recommended by the Service Delivery and Continuous Improvement Policy Development Group.

Section 2 – Report

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 2022.
- 1.2 The Council has 78 play areas (including skate parks and BMX track) in its direct control. The number of Play Area leased to Parish and Town Council is 20 with a further 1 currently pending. There are 3 closed sites with no equipment.

- 1.3 There shall also inevitably be a reduction in the number of (i) pieces of equipment within play areas and (ii) play areas to inspect over time. This is 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 Councils at the time. Un-equipped play areas shall still require inspections.
- 1.4 The Council has a legal responsibility for the safety of those using its 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 ("the Act") 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. Further under the Occupiers' Liability Acts 1957 and 1984 there is a duty to keep visitors (and trespassers) to Council premises reasonably safe from harm. Failure to comply with the duties under these Acts 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 £28,520 for inspection of equipment and supervision and £76,820 (25-26 budget) for essential operational maintenance and planned works (excluding Capital).
- 1.7 Income from parish councils for the provision of an inspection service is projected to be circa £11,000 in the current year. This sum may increase further as play areas are transferred or Parishes seek the inspection service

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 the Council 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 Appendices 1 and 2.
- 2.4 Appendix 1 shows an example of an individual play area Risk Assessment Record and Appendix 2 list Play Area Risk Assessment in Parish order including risk scores and inspection frequencies.

- 2.5 Individual scores on the Risk Assessment Record are multiplied across the page and summed down the page.
- 2.6 Play area sites with a score less than 30 have Operational inspections monthly. Those with a score of 30 or greater have more frequent Routine inspection
- 2.7 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 up to a maximum of three per week. Inspections are undertaken during the working week (Monday – Friday) - there are no weekend or bank holiday inspections.
- 2.8 Around 2,000 inspections are undertaken annually.
- 2.9 Inspections are classified as:
- a) Routine Inspection - this is a basic safety check and will identify hazards resulting from vandalism, anti-social behaviour, mis-use and wear and tear from normal use.
 - b) Operational Inspections - 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.
- 2.10 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 and winter are off-set with increased emphasis on land drainage and flood-defence assets.
- 2.11 All inspections are entered into a database and the results can be interrogated to ensure identified repairs are carried out. The service is looking to implement a cost effective means of directly entering inspection records into a database via handheld or portable devices at the earliest opportunity to further improve effectiveness and efficiency.
- 2.12 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 most recently been the Royal Society of Prevention of Accidents (RoSPA) but other providers are available and service value will be tested.
- 2.13 Routine inspections (i.e. two or three times weekly) are carried out at the four larger park sites (Amory Park, Peoples Park and Westex Recreation Ground in Tiverton and Newcombes Meadow in Crediton), skate parks and the BMX track.

3.0 Safety Record

3.1 The Council is aware of three accidents in the review period. The most significant of these was a component failure on a newly installed piece of equipment and an installer/ manufacturer responsibility.

3.2 No claim has been received by the Council in the review period.

4.0 Recommendations

4.1 That the current play area risk assessment and inspection regime continues as it is for period of no longer than three years.

Financial Implications

The cost of the current inspection process is included within the base budget. The cost of litigation should the Council be found negligent or in breach of its statutory duties with regards to inspection and maintenance of its play areas could be substantial.

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 and loss of reputation should the Council be found negligent with regards to inspection and maintenance of its play areas in the event of injury or death of a child or any other person.

Impact on Climate Change

None

Equalities 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.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett
Agreed by or on behalf of the Section 151
Date: 04/09/2025

Statutory Officer: Maria De Leburne
Agreed on behalf of the Monitoring Officer
Date: 04/09/2025

Chief Officer: Stephen Walford
Agreed by or on behalf of the Chief Executive/Corporate Director
Date: 04/09/2025

Performance and risk: Stephen Carr
Agreed on behalf of the Corporate Performance & Improvement Manager
Date: 04/09/2025

Cabinet member notified: (yes)

Section 4 - Contact Details and Background Papers

Contact: Steve Densham
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Background papers: