



**Title of meeting:** Cabinet  
**Date of meeting:** 31<sup>st</sup> October 2023  
**Subject:** Water Safety Management Policy  
**Report by:** Director of Culture, Leisure, & Regulatory Services  
**Wards affected:** All  
**Key decision:** No  
**Full Council decision:** No

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**1. Purpose of report**

1.1 To inform Cabinet of a new draft Water Safety Management Policy which has been written to reflect the island status of the city and to seek approval to share the draft policy for wider consultation.

**2. Recommendations**

2.1. That approval is given for the wider distribution of the draft Water Safety Management Policy for consultation.

2.2. That following consultation, the strategy will be reviewed following receipt of any responses and brought back to Cabinet at a future date for adoption.

**3. Background**

3.1 As the country's only island city the close proximity of water is a high risk all through the city and, as the Council is responsible for the majority of the interface between the land and the water with a small number of exceptions, a Water Safety Policy is felt necessary to ensure that we are putting in place the best practice to a common standard across all areas of open water. The Council remains responsible for the management of the land to the mean highwater mark.

3.2 Whilst not a Government requirement internal water safety audits in recent years have concluded that the operational delivery in place is of a good standard however the overall policy of the council in this area of delivery was not clear and a recommendation was made that an overarching policy was required.

3.3 Through the work of the Water Safety Forum which the Council chairs and co-ordinates we have seen increasing public use of open water for recreational purposes especially since the pandemic. This includes people of all skills and abilities - from those



who are strong sea swimmers to those who are trying paddleboarding for the first time. The Water Safety Forum provides all those with a direct interest in public water safety within or around Portsmouth, Gosport or the wider area an opportunity to share good practice and keep up to date on all areas of this diverse topic to ensure our standards and approach to Water Safety remains high.

3.4 The Water Safety Forum meets a minimum of four times per year with a concentration of meetings between March and September and involves key organisations in supporting water safety, representatives of the harbour authorities, local authorities and on-water groups.

3.5 In 2019 the Maritime and Coastguard Agency published 'Managing Beach Safety' the first guide to assist both those who may have duties prescribed in law or who are in effective control of a beach to help ensure that safety is at the forefront of the provision. It is the Council's responsibility to manage the risk on the areas of foreshore which fall under our jurisdiction. This proposed Water Safety Management Policy, commissioned from independent national specialist Cliff Nelson, is the first overarching policy to consider all open areas of water across the city in a strategic document.

3.6 The purpose of the Water Safety Management Policy is to establish a foundation for managing all council open water environments and to demonstrate a pro-active and responsible approach to water safety. By having a Water Safety Management Policy in place we anticipate it will help the Council mitigate against risk and potential future challenges

3.7 The policy includes a systematic analysis of drowning risks across zones of the city coastline and inland open water bodies and the activities taking place within that zone. The policy references the recognised water safety organisations from which best practice guidance is obtained in relation to risk assessment and appropriate control measures at open water locations

3.8 The policy references legal compliance and responsibilities under the following key legal instruments

- Health & Safety At Work Act 1974
- Management of Health & Safety At Work Regulations 1999
- Occupiers Liability Act 1957

3.9 The Water Safety Management Policy will sit above the existing operational practices for areas such as lifeguard provision, beach risk assessment and water safety signage and provide a reference framework for other directorates in order to ensure the highest quality provision across all our areas of responsibility.

#### **4. Reasons for recommendations**

4.1 Internal audit report PCC-2122-018 Water Safety (Coastal & Inland waters) highlighted that whilst PCC has an informal strategy for water safety management it has no definitive guidance as to responsibility for water safety across all coastal and inland open water bodies across the city.



**5. Integrated impact assessment**

5.1 An Integrated Impact Assessment is included as Appendix 4.

**6. Legal implications**

6.1 The Legal requirements surrounding this policy are set out at Section 5 of the Policy itself and identify the key areas of legislation that relevant to the Council's obligations and responsibilities as owners of water sites.

6.2 There are no further legal implications.

**7. Director of Finance's comments**

7.1 There are no direct financial implications arising from the recommendations in this report.

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Signed by: Director of Culture, Leisure, & Regulatory Services

**Appendices:**

- Appendix 1 - Draft Water Safety Management Policy
- Appendix 2 - Risk Assessment of Coastal Zones - June 2023
- Appendix 3 - Risk Assessment of Inland Sites
- Appendix 4 - Integrated Impact Assessment

**Background list of documents: Section 100D of the Local Government Act 1972**

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Water Safety (Coastal & Inland Waters) PCC-2122-018	<a href="#">2021-22-018 PCC Water Safety Final Report signed.pdf</a>

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by ..... on .....

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Signed by: