
South Swindon Parish Audit Report

Audit: Queens Park Waterside & Gardens

Public Access & Water Danger

Audited: 10th June 2019

Report Date: 10th June 2019

Signed by Auditor: Rob Johns (AIIRSM)

Risk & Safety Advisor:

Audit Plan

Objective: To assess Public safety on the waterfront of Queen's Park Gardens.

1. Visit each water area and assess the embankment conditions.
2. Assess risk to Staff and the Public.
3. Visitor safety along the water front.
4. Identify current practices & opportunities for improvement.

Scope: Scope of the Audit (Based on the Scope of the site lease agreement)

Relevant Departments and Personnel:

Parish Gardener: Paul Oram.
South Swindon Parish Clerk: Mr Rob Core.

Reference Documents:

New Lease arrangements to South Swindon Parish Council

Auditor: Mr Rob Johns (AIIRSM)

Date of Audit: 10th June 2019

Schedule of Meetings:

Auditee	Purpose	Date	Time
Paul Oram (Gardener)	General site questioning	10 th June 2019	10:15 – 11:45 hrs.
Rob Core (Clerk)	Access & Water Safety concerns	10 th June 2019	09:00 – 09:05 hrs.

Audit Report Distribution List:

Broadgreen, Parish Office and The Parish Councillors, on request.

Audit Results

1. Responsibility.

The Clerk of the Parish raised the following concerns: -

- a.) Vandalism and Misuse of Life Saving Buoys, previously provided.
- b.) The risk to Staff in recovering Life Saving Buoys.
- c.) Visitor safety along the water front.

The Clerk requested a site audit and assessment of two waterfront areas within the Queen's Park Garden's. The first area (formerly known as the Tropical Gardens) and the second which is the larger pond accessed immediately from Durham & Lincoln Streets.

Ref: Duty of care to visitors

The 1957 Act says occupiers of premises owe a 'common duty of care' to all visitors who come onto land by invitation of the occupier or who are permitted to be there. The duty is to take care over the state of the premises so that visitors will be reasonably safe in using it for the intended or permitted purposes. Under Section 2.2 of The 1957 Act, the duty is:

"To take such care as in all the circumstances of the case is reasonable to see that the visitor will be reasonably safe in using the premises for the purposes for which he is invited or permitted by the occupier to be there."

However, Section 2.5 of The 1957 Act provides that this duty does not impose any obligation on an owner or occupier to a visitor who willingly accepts risks:

"The common duty of care does not impose on an occupier any obligation to a visitor in respect of risks willingly accepted as his by the visitor (the question whether a risk was so accepted to be decided on the same principles as in other cases in which one person owes a duty of care to another)."

There could, however, be an obligation on the occupier to warn of any concealed hazards or dangers not evident to visitors which the occupier knows about.

2. Site Audit.

The audit was carried out on a dry sunny weekday, during a period when the Gardens were being used by the Public and the Grounds maintenance team were active in their garden duties.

The Tropical Gardens pond was checked first and although only a couple of feet deep it appeared to be very silty on the bottom.

The larger pond was checked shortly afterwards and was found to have ample wildfowl wading in the waters and resting on the public footpath.

The depth of water in this pond is difficult to estimate but again it was found to be silty with sludge evident where ever I checked.

3. Observations.

The Tropical Gardens pond which appeared to be very silty on the bottom, raised concerns that the water may be deeper than appears with the additional danger of sludge entrapment.

The larger pond was also found to be silty with sludge evident where ever it was checked. There was no "Visitor Signage" on the footpath or beside the water's edge warning of the possible dangers of entering the water or any "Safety Equipment" along the waterfront edge.

4. Opportunities for improvement

The siting of "Warning Signage" whether using signs along the footpaths or implementing floating pontoon signage should be given serious consideration.

The posting of signage is in effect raising awareness of the risks to visitors/public of drowning, injury from under water objects or infection from disease when entering the water.

Signage with pictogram could be strategically placed along all footpaths in and out of the Gardens

And/Or

A Couple of pontoons could be purchased or constructed and anchored in the larger pond, in locations where the signage can easily be viewed from the embankment or footpaths.

The recommendation of siting correctly worded (with pictogram) signage, warning the public of possible dangers is a statement of duty of care from South Swindon Parish Council.

Note: The placement of "Life Buoys" in the Gardens will leave these subject to abuse and therefore becoming unserviceable and they will often be found drifting in the pond, all of which have to be rectified by the Parish. Retrieving the buoys will also place staff at un-necessary risk and at un-necessary costs.

5. Improvement Plan

Responsible person	Improvement activity	Comments	Date Closed	Signature

6. Conclusions

The Parish Council has an obligation as the occupier (landowner) to warn of any concealed hazards or dangers not evident to visitors which the occupier knows about.

The recommendation of siting correctly worded (with pictogram) signage, warning the public of possible concealed hazards or dangers is a statement of duty of care.