



Media Release

Lynne Mee

Direct line 01423 556022

Communications and Media Manager Direct fax 01423 561154 not 24 hrs

24 hour fax “ 556010

Mobile 07884 226409

Email lynne.mee@harrogate.gov.uk

www.harrogate.gov.uk

pr1100. Paddling Pools and HSE.doc.

DATE 12 January 2005

COUNCIL SEEKS CLEARANCE ON NATIONAL GUIDELINES ON PADDLING POOLS

COUNCILS up and down the country have been closing paddling pools in the face of public outcry following guidance from the Health and Safety Executive and other responsible agencies. But it has taken Harrogate Council's closure of its three municipal paddling pools for the Health and Safety Executive (HSE) to step into the row to defend its stance by issuing a press statement.

But this isn't enough for Harrogate Borough Council and they have requested Chief Executive, Mick Walsh, to get full written clarification from the Health and Safety on the ramifications of local authorities not complying with HSE guidance.

He has now written in the fullest possible terms to the Health and Safety Executive. He said: "In the statement to the press, the HSE say that they have produced guidance on managing health and safety in swimming pools and paddling pools but it is intended to be just that, guidance. They say that they recognise the benefits to children's development of play, which necessarily involves some risk and this shouldn't be sacrificed in the pursuit of the unachievable goal of absolute safety. We couldn't agree more. However, this hardly seems to accord with the position actually taken by the HSE.

"I am asking the HSE to balance their statement to the press with the very real risk to a local authority of not following this guidance. In their document, the HSE states that the guidance is not compulsory but does go on to say 'but if you do follow the guidance, you will normally be doing enough to comply with the law. Health and Safety inspectors seek to secure compliance with the law and may refer to this guidance as illustrating good practice'."

Mr Walsh is telling the HSE that it is clear to Harrogate Borough Council that the guidance issued by them, as amplified by the Institute of Sport and Recreational Management, is basically telling local authorities with reasonably busy paddling pools that they need to introduce a filtration system and provide supervision during opening times. This is certainly how other local authorities

have interpreted the guidance but others are now looking to Harrogate Borough Council to clear the way forward.

“As far as we know there has never been a major incident in a municipal paddling pool in the past fifty years and consequently some see this guidance as going just a bit too far. And, yes, some are saying that we should have stood the risk of not following it”, added Mr Walsh. “However, many authorities, including my own, have experience of HSE guidance having strong evidential value which can and will be taken into account in any civil or criminal cases following any incidents which may occur. It creates a strong presumption that failure to comply will be evidence of liability.”

In conclusion, Mr Walsh adds that as long as the HSE seem to be saying that a local authority should introduce filtration and supervision of paddling pools, it is difficult to see how any prudent council could choose to do otherwise. The costs are prohibitive particularly when in addition to the capital costs the running costs would require a council subsidy of about £19 per person (as against 0.53p per person for swimming pools) based on last summer’s attendance.

The issue has also been drawn to the attention of Tessa Jowell, Secretary of State for Culture, Media and Sport. Mr Walsh is urging the government to either intervene and force the HSE to clarify its position or, alternatively, offer grant-aid to local authorities like Harrogate which have been forced to take the decision to close their facilities.

If the HSE does confirm that councils do not ‘need to include’ filtration systems in paddling pools and run no risks, then the council may look again at complying with the obligation to supervise the pools in an attempt to keep the district’s three pools open.

ENDS