

Bath & North East Somerset Council

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| MEETING: | Cabinet | |
| MEETING DATE: | 5 December 2012 | EXECUTIVE FORWARD PLAN REFERENCE: |
| | | E 2496 |
| TITLE: | Safety fencing along River Avon in Bath | |
| WARD: | All | |
| AN OPEN PUBLIC ITEM | | |
| List of attachments to this report: | | |
| None | | |

1 THE ISSUE

1.1 A RoSPA report published in November 2011 identified a recommendation to provide edge protection along an 850m stretch of the northern public footpath on the River Avon, east of Windsor Bridge in Bath. This report requests the release of capital funding to complete the installation of safety fencing before the 2012/13 financial year end.

2 RECOMMENDATION

The Cabinet agrees that:

2.1 £140k is approved for inclusion in the 2012/13 capital programme to allow the safety fencing to be installed before the end of 2012/13 financial year end.

2.2 As part of this, £40k is released from capital contingency to be recouped in 2018/19 through s.106 funding from the Bath Western Riverside Corporate Agreement.

3 FINANCIAL IMPLICATIONS

- 3.1 £100k for river safety was included in the 2012/13 capital programme for provisional approval in the February 2012 budget report, to be funded from corporate headroom; the cost of the project is now estimated to be £140k. £95k is to be funded from corporate headroom.
- 3.2 £40k is proposed to be funded from capital contingency which can be recouped in 2018/19 through s.106 funding from the Bath Western Riverside Corporate Agreement.
- 3.3 Within the Bath Western Riverside Corporate Agreement, £225k is identified for improvements to the north bank public footpath. This contribution is due when the developer has occupied 750 dwellings of the development which is likely to be in 2018/19. For the funding to be released two conditions must be met:
- a) The local planning authority must decide that this is an appropriate use of the funding. Confirmation has been received that this would be the case.
 - b) It is advisable for the developer to agree to the use of the funding, prior to its release in 2018/19. The developer has agreed in principle that the funding can be used in this way, subject to an appropriate design detail that relates to the Bath Western Riverside development on the south side of the river. If the final design exceeds the agreed cost of £140k then the developer has agreed to release further contributions from the s.106 agreement.
- 3.4 Bath Spa University has also contributed £5k towards the cost of the fencing in recognition of the benefit that will be afforded to their students who use the footpath.
- 3.5 The project construction will be carried out by the Council's Highways Term Contractor and will be completed within the estimated cost of £140k; if it is anticipated that costs will exceed this amount, the scope of the project will be adjusted to ensure the budget is not exceeded. (Any excess costs related to the design of the fencing will be met through the release of extra s.106 funding as explained in 3.2b above).
- 3.6 Maintenance of the works won't be required until 2016/17 and are estimated to cost c£2k pa. These costs are being captured by the Highways Maintenance team, along with revenue pressures arising from other capital works being carried out by the Council. These costs will be built into budgets at the appropriate time. This is creating an increasing future pressure on revenue maintenance budgets and actions are being proposed to manage and mitigate this future issue.

4 CORPORATE OBJECTIVES

The provision of fencing along this stretch will support the priority of:

- Creating neighbourhoods where people are proud to live

5 THE REPORT

- 5.1 A report was jointly commissioned by the Council and Avon and Somerset Police in 2011 which requested RoSPA to assess the risks posed to users of the river path between Churchill Bridge and Windsor Bridge in Bath. This stretch of river has been the site of a significant number of call outs to emergency services through unintended entries into the water by members of the public. The RoSPA report was published in November 2011 and identified a number of recommendations including a long-term one to explore installing edge protection along an 850m stretch of public footpath on the north side of the river, east of Windsor Bridge.

6 RISK MANAGEMENT

- 6.1 The report author and Lead Cabinet member have fully reviewed the risk assessment related to the issue and recommendations, in compliance with the Council's decision making risk management guidance.

7 EQUALITIES

- 7.1 An EqIA has been completed. No adverse or other significant issues were found. The provision of safety fencing will have a positive impact for visually impaired users and for young people using the path, particularly at night.

8 RATIONALE

- 8.1 The Council and its partners (Avon Fire and Rescue and Avon and Somerset Police) have received a recommendation from RoSPA that edge protection should be provided. The organisation and its partners are open to criticism if this recommendation is not fulfilled and further incidents occur.

9 OTHER OPTIONS CONSIDERED

- 9.1 None.

10 CONSULTATION

- 10.1 Cabinet members; Policy Development and Scrutiny Panel; Staff; Other B&NES Services; Stakeholders/Partners; Other Public Sector Bodies; Section 151 Finance Officer; Chief Executive; Monitoring Officer
- 10.2 Consultation has been carried out through meetings with the Environment Agency, the River and Canal Trust (formerly British Waterways), Avon Fire and Rescue and the River Corridor Group. Consultation will also happen through the circulation of this report.

11 ISSUES TO CONSIDER IN REACHING THE DECISION

- 11.1 Property; Young People; Corporate; Health & Safety; Other Legal Considerations

12 ADVICE SOUGHT

12.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

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| Sponsoring Cabinet Member | <i>Councillor David Dixon</i> |
| Background papers | <i>RoSPA report November 2011</i> |
| Please contact the report author if you need to access this report in an alternative format | |