

## Fencing of Skate Park in Alice Park

### Introduction

At the meeting of 23 December under Item 27 in the minutes, I raised the issue of a fence between the skate park and the children's play area. Councillor Appleyard stated agreed that this could be reviewed at a future meeting. To date this has not been considered at a subsequent meeting and the requirement of Councilor Myers that provision should be made to consider this has not been met.

Further it is a condition of the proposed lease between the Trust and Bath and North East Somerset Council, the potential lessees that such a fence should be erected.

### Current Position

#### 1. Legal

It is incumbent on the Trustees as persons having control of any premises to comply with section 4 of the Health and Safety at Work Etc. Act 1974 to ensure that the premises, its access and any plant and substances used in it pose no risk to the health and safety to those NOT employees to those who use those premises.

This is expanded on by the Workplace (Health, Safety and Welfare) Regulations 1992 to protect persons using the premises from falling a distance likely to cause injury of being struck by falling objects.

#### 2. Practical

It has been a long-established principle that holes in the ground fall into the category of being liable to cause injury and legislation and case law both criminal and civil have re-enforced the principle.

Key to complying with that, there are certain criteria with which all such barriers should comply. These are that:

- a. They be of sufficient height; at the moment a minimum of 1.1 metres,
- b. No opening should in the barrier should exceed 100mms,
- c. The construction should be able to withstand any impact imposed upon it.

Given the nature of the activity and its construction, could be added that the construction should be such that the barrier itself should not in itself be a source of injury as far as is reasonably practicable.

Also, to mitigate potential injury the gates to the skate park should open outwards, should be self-closing and self-locking. The profile of the barrier should be such that it doesn't allow entrapment between the barrier and the surrounding structure.

Such requirements are well known to professionals and those involved in their design, manufacture, and installation.

### **3. Progress**

When enquiries were made of the representative of Canvas who were responsible for the civil engineering work, I was informed that the fencing of the skate park was not part of the contract.

Enquiries have been made of some council officers and as far as can be gathered there are no detailed plans or a budget for this work. Meanwhile, the area remains (insecurely) temporarily fenced and there have been issues arising from unauthorized used. (\* See separate report)

### **4. Questions for the Trust.**

- How has this situation been allowed to develop?
- Who in the Trust is responsible for following up on the issue?
- When can we expect detailed designs from the potential lessees to enable the Trustees to assure themselves that they can discharge their legal obligations?
- Have the lessees readily available funds to discharge their obligations?  
and
- Can they give a timescale by which time the works can realistically be completed?