

REPORT TO: POLICY AND RESOURCES COMMITTEE ON 2ND MARCH 2010

SUBJECT: USE OF COUNCIL BUILDINGS AND STRUCTURES FOR ABSEILING ETC

BY: CHIEF FINANCIAL OFFICER

1. REASON FOR REPORT

- 1.1 To establish a policy on the use of Council buildings and structures for abseiling or similar activities.
- 1.2 This report is submitted to the Committee in terms of Section A(47) to consider any new policy matter which does not fall within the terms of reference of any other Committee.

2. RECOMMENDATION

- 2.1 **It is recommended that the Committee should agree a policy with regard to the use of Council buildings and structures for abseiling, aerial runways or similar events.**

3. BACKGROUND

- 3.1 From time to time, the Council receives requests to use its buildings and structures for fundraising events involving abseiling or aerial runways. The organisations submitting such requests will usually indicate that they hold necessary public liability insurance and that the Council would not be liable for any claim arising from an accident or failure. However, it is not possible to determine whether an individual harmed in such an event would seek redress from the Council or from the body organising the event. There is clearly a risk to the Council in granting permission for such events to take place.
- 3.2 The Council's existing insurance arrangements include cover for public liability and the current policy arrangements include an excess of £1,000 per claim. Should the Council decide to permit events of the nature described in this report, there is the potential for our insurers to reassess the annual premium payable by the Council.

- 3.3 For the Council's insurance cover to be valid, the Council is required to undertake an appropriate risk assessment in respect of any event organised. Therefore if the Council does wish to permit such events it will need to include arrangements to carry out a risk assessment. In the case of the use of Council buildings and structures, the risk assessment would need to include an up-to-date survey and a review of the proposals and supporting documentation from the event organiser.

4. PROPOSALS

- 4.1 It is proposed that the Council should establish a policy with regard to the use of Council buildings for abseiling, aerial runways or similar events.

- 4.2 The options are as follows:

Option 1

The Council does not permit the use of its buildings for abseiling, aerial runways or similar events organised by external organisations.

Option 2

The Council will consider granting permission for an external organisation to use one of its buildings or structures for abseiling, aerial runways or similar events subject to the following conditions:

- (a) Sufficient notice is received for all conditions to be met prior to the event being publicised. (As a guide, organisers should submit applications to the Council two months prior to wishing to publicise an event).
- (b) The building or structure is fit for the intended purpose – this will require an up-to-date structural survey to be arranged by the Council's Property Manager.
- (c) The organiser is required to provide to the Council proof of certification of fitness for purpose of all equipment to be used for the event. (This may include for example ropes, wires, harnesses, cranes and scaffolds).
- (d) The organiser is required to provide for the Council with a statement of the risk assessment and risk mitigation measures in respect of the event.
- (e) The organisers are required to provide the Council with details of insurance certificates and any other appropriate documentation in respect of qualifications, licences or certificates required to undertake the event.

Option 3

This option will be the same as Option 2 above and would include an additional requirement for the organisation to pay either the full cost to the Council of undertaking appropriate checks including any structural surveys required and also an assessment of any impact on the Council's insurance premium. Alternatively the Council could establish a fixed charge for the issue of such permits which could be reviewed on an annual basis with all other charges.

5. SUMMARY OF IMPLICATIONS

(a) Single Outcome Agreement/Service Improvement Plan

There are no direct implications rising from this policy in respect of the plans in this section.

(b) Policy and Legal

This report seeks the establishment of a Policy.

It is important that the Council complies with its duties under the Health and Safety at Work etc Act 1974 and ensures that these events are properly regulated.

Members should also be aware of the Corporate Manslaughter and Corporate Homicide Act 2007 which enables an authority to be convicted if someone is killed as a result of failings by senior managers which add up to a gross breach of the "relevant duty of care" owed to the deceased person. The definition of senior manager would cover senior officers and elected members; who may be considered senior managers within the Council for this purpose.

An authority which is convicted would be subject to an unlimited fine. There have already been huge fines for private companies for offences under the Health and Safety at Work etc Act 1974. For example Transco were fined £15 million after an explosion which killed four people in their own home. Therefore, it is likely that any fine imposed upon conviction for Corporate Manslaughter would be very high indeed. On conviction there will also be significant image, reputation and political issues which may be explored by council tax payers and the local and national media.

While the risk of a fatality at a fundraising event may seem relatively remote, it is important that the Council takes health and safety issues most seriously.

(c) Resources (Financial, Risks, Staffing and Property)

It will be clear from the issues described in this report that it is not straight forward to estimate the financial implications associated with permitting organisations to use council buildings or structures for abseiling type events. It is understood that £600 would be a typical day rate for a structural engineers assessment, anchor lines can result in damage to buildings that would require repair and the impact on the Council's insurance premium can not be quantified at this stage.

Based on past experience it is reasonable to assume that the Council would receive in the order of two applications per year and this would require time of the Council's Property Manager and the senior Health and Safety Advisor to undertake the risk assessment on behalf of the Council. If the Council did wish to charge for a permit then a further assessment would be required of the amount of time necessary to consider such applications.

(d) Consultations

The following staff have been consulted on the contents of this report:

Senior Health and Safety Advisor
Property Manager
Estates Manager
Educational Resources Manager

And their comments have been included in the report.

6. CONCLUSION

- 6.1 The Council is required to establish a policy on the use of its buildings and structures for abseiling and similar events by external organisations. This report provides the Council with the option of not permitting such events or to establish the procedures required if events are to be permitted and finally whether any charge is to be made if permission is to be granted.

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Background Papers:

Ref: MP/LC/744155