

**REPORT TO:** Cabinet

**MEETING DATE:** 17 January 2023

**BY:** Executive Director for Place

**SUBJECT:** East Lothian Water Safety Policy

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## **1 PURPOSE**

- 1.1 To advise Cabinet of East Lothian Water Safety Group and to seek Cabinet approval for East Lothian Water Safety Policy.

## **2 RECOMMENDATIONS**

- 2.1 Cabinet notes the content of the Report and approves the East Lothian Water Safety Policy.

## **3 BACKGROUND**

- 3.1 East Lothian Water Safety Group was planned through discussion in late 2020 and initiated in January 2021 following discussions through the council's multi-agency group for coast and countryside with key partners particularly Police Scotland and Water Safety Scotland.
- 3.2 The East Lothian Water Safety Group was formed through key stakeholders to develop a partnership and collaborative approach to water safety across East Lothian. These included but are not limited to: ELC, Police Scotland, Scottish Fire & Rescue, Her Majesty Coast Guard, Royal National Lifeboat Institute, Water Safety Scotland, Scottish Water, EDF Energy Torness, Dunbar Surf Life Saving Club, Coast 2 Coast Surf School, Ocean Vertical, Enjoy, Wave Project, Scottish Land and Estates and Royal Society for the Prevention of Accidents.
- 3.3 The focus for the partnership group through 2021 was a specific location in East Lothian which was experiencing a significant increase in water based activity – Belhaven Bay, Dunbar. The RLNI undertook and produced a risk assessment for Belhaven Bay which the Water Safety Group considered, discussed and focussed initial efforts in this area. This

allowed the Water Safety Group to develop a wider Water Safety Policy for East Lothian for both coastal and in land water courses.

- 3.4 Scottish Government through its Ministers have been supporting Water Safety Scotland and encouraging Local Authorities to develop water safety partnerships and policies .This has been encouraged through direct communication to Local Authority Chief Executives.
- 3.5 Following the initial focus for the Water Safety Group here in East Lothian through 2021 on Belhaven Bay the intent was always to look county wide and to the development of a Water Safety Policy for East Lothian. This work developed from the Autumn of 2021 and through 2022. The Water Safety Policy for East Lothian developed by the collaborative and partnership approach of the East Lothian Water Safety Group is presented in Appendix 1 of this Report.
- 3.6 It is really important to note that the Water Safety Policy for East Lothian intent is focussed on improving prevention, enhancing water safety awareness and providing water safety education when and where appropriate. It is not a policy on water safety incident response and actions.

#### **4 POLICY IMPLICATIONS**

- 4.1 This Report supports Community Safety in East Lothian and displays the Council's values highlighted in the Council Plan of Enabling, Leading and Caring. Whilst ensuring the Council's Principles & Behaviours of the Council Plan are evident through – Working Together, Being customer focused, person-centred and prioritising prevention early intervention and equality, making things happen and being outcome focussed.

#### **5 INTEGRATED IMPACT ASSESSMENT**

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

#### **6 RESOURCE IMPLICATIONS**

- 6.1 Financial – There are no direct financial implications contained within this report.
- 6.2 Personnel - There are no personnel implications contained within this report.
- 6.3 Other – None

## 7 BACKGROUND PAPERS

7.1 None.

Appendix 1 - East Lothian Water Safety Policy

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<b>DATE</b>	16/12/2022



# East Lothian Water Safety Policy



*An even more prosperous, safe and sustainable East Lothian, with a dynamic and thriving economy, that enables our people and communities to flourish*

*East Lothian Council Plan 2022-2027*

## **East Lothian Water Safety Group**

East Lothian Water Safety Group (ELWSG) was formed in December 2020 following on from the successful Belhaven Water Safety Group (BWSG).

The lessons learnt from BWSG and the partnerships that were formed have continued into the new group. ELWSG is committed to enhancing water safety in East Lothian through a collective forum.

### **Members**

- East Lothian Council
  - Countryside Team
  - Education
  - Outdoor Learning
- Enjoyleisure
- Police Scotland
- Royal National Lifeboat Institute
- Her Majesty's Coast Guard
- Royal Society for the Prevention of Accidents
- Water Safety Scotland
- Wave Project
- Dunbar Surf Life Saving Club
- Coast to Coast Surf School
- Ocean Vertical
- Sky Monster
- Venturing Out
- EDF- Torness
- Scottish Land and Estates
- Scottish Water

## Foreword

East Lothian has been delighted to be able to 'play its part' along with Water Safety Scotland to build and strengthen a local partnership for Water Safety within the County, from the initial focus of Belhaven Water Safety Group to the now established East Lothian Water Safety Group.

The Partnership Group is focussed on water safety awareness, education and prevention, and supporting Scotland's National Drowning Prevention Strategy.

We hope this Water Safety Policy will provide a framework for our ongoing commitment to water safety within East Lothian through a partnership and collaborative approach.

We have all witnessed the significant increase in footfall to our coastline and waters, along with the increase in open water activity, which is welcomed, but we want everyone to be aware of the dangers and stay safe in the water.

As a coastal area the need for a Water Safety Policy becomes even more important and aligns with the desire of Water Safety Scotland for all Local Authorities and partners to have a Water Safety Policy which is endorsed and supported by the Minister for Communities at Scottish Government.

Finally I would like to thank all of the organisations and their respective representatives who have contributed to the development of East Lothian's Water Safety Policy and thank them in advance for their ongoing commitment and support to water safety within East Lothian through the East Lothian Water Safety Group.

Thank you

Propose signature and photo of Council Leader and Chief Executive if approved .

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## References



## 1. Introduction

East Lothian is Scotland's most intense coast; 3 million visits per year is the norm and virtually all of the coast has international, European and national designation for its natural heritage features.

In addition to the coastal waters which includes harbours the county also has inland waters such as rivers, ponds and reservoirs which are mostly in private ownership.

In 2020 and 2021 East Lothian's coast observed a huge increase in visits due to the Covid travel restrictions that were in place thereby placing an increased likelihood of water related incidents. Due to the proximity of Edinburgh and the central belt it is anticipated that those who have taken up water sports will now continue to visit.

According to Maritime and Coastguard Agency (2019):

*It is accepted that those who undertake risky activities do so at their own risk. However, at present, the legal responsibility for safety at the foreshore is unclear with many competing duties. It also appears that there may be a lacuna in legal responsibility which leaves those with land or Councils adjacent to the foreshore acting out of largely moral and social responsibility rather than legal obligation.*  
*Legal responsibility for Beach Safety 2019*

East Lothian Council's (ELC) vision is for a prosperous, safe and sustainable East Lothian, with a dynamic and thriving economy that enables our people and communities to flourish. The following document sets out to understand where we are with water safety and how we can progress in partnership for the benefit of the environment, its visitors and locals.

There are many key factors involved in the development of this policy:

Partnership working:	Building on existing good practice and collaborative work undertaken at Belhaven Bay and continued engagement with respective organisations
Data Gathering and sharing:	Knowing what activities are taking place and where and to what level
Awareness raising:	Linking with respective organisations to have an increased reach to the public in promoting water safety
Skills and educational:	Delivering programmes to improve knowledge and awareness of water safety through schools and groups
Incident response:	Reviewing our sites and looking at ways to deliver improved emergency response access

This policy confirms that the Council and partners through the Water Safety Group will provide appropriate arrangements for the management of areas of open water aligned to areas of operation and management. These arrangements should ensure that, 'so far as reasonably practicable', all open water areas and other water based facilities for which the Council and partners are responsible for, are maintained in a safe condition for the benefit of the users and the safety of staff.

## 2. Context

### 2.1 Council and partner responsibilities in relation to water safety

There are many different categories of duty holders that may owe duties on the beach. These include:

- (a) Landowners and occupiers;
- (b) Employers and those at work;
- (c) Statutory duty holders, including emergency services, local authorities and similar groups;
- (d) Central Government; and
- (e) Others, such as charities like the RNLI.

However, with so many duty holders and the overlapping responsibilities it has been identified by the Maritime and Coastguard Agency that there is no one legal person or organisation responsible for water safety and therefore a collaborative approach to water safety is recommended and welcomed by East Lothian Council and as such the East Lothian Water Safety Group is the vehicle for water safety within and across East Lothian.

### 2.2 Legislation and Guidance

There is a variety of legislation and guidance that might apply but this depends on the circumstances. These include:

- (a) Health and Safety at Work etc Act 1974 ('HSWA');
- (b) Occupiers' Liability Acts;
- (c) Common law duty of care in negligence;
- (d) Statutory duties; and
- (e) Bye-laws.
- (f) Public Health Act 1936
- (g) The Adventure Activities Licencing Regulations 2004

Specific legislation and guidance includes, but not limited to:

- Occupiers Liability Act 1960 - As an owner of land, the Council has a duty of care under the Act to ensure that reasonable steps are taken to reduce the level of risk, and advises that liability is reduced when the danger is brought to the attention of visitors. It specifies that a risk assessment procedure (RAP) should be used.
- Land Reform (Scotland) Act 2003. This Act and accompanying guidance places the responsibility for personal safety largely on the individual. However, this legislation only covers up to the low tide water mark.
- The Nature Conservation (Scotland) Act 2004 places a duty on the Council to further the conservation of biodiversity which implies that water environments should be managed for wildlife as well as for public benefit.

- The Civic Government (Scotland) Act 1967 allows the Council to provide signage and rescue equipment at locations it considers appropriate. National signage standards ensure that signs are easily understood by most people.
- National guidance from the Royal Society for the Prevention of Accidents (RoSPA) provides useful advice for local authorities in relation to managing water safety and explaining the level of risk based on numbers of water related incidents recorded.
- Bye-laws: ELC have a number sites which are either owned or managed that have Bye-Laws in place.

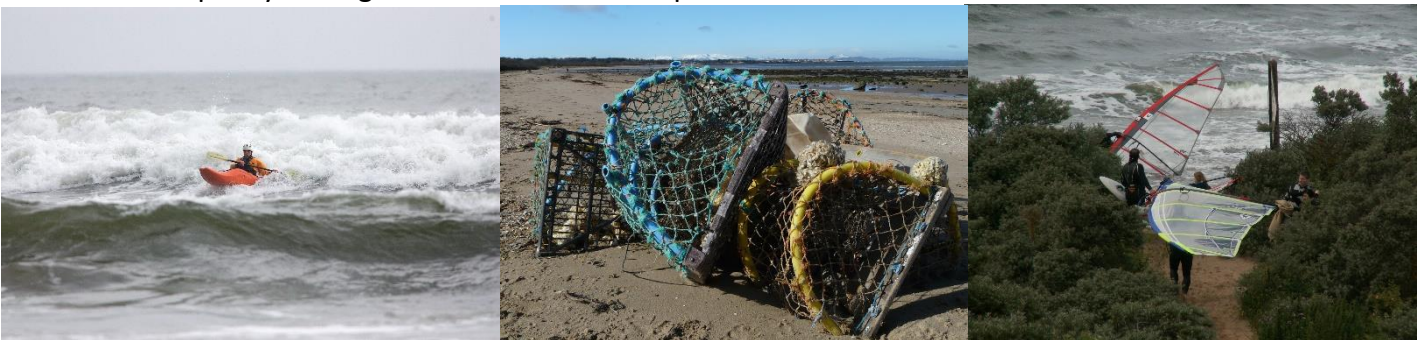
### 2.3 Use of Open Water for Activities

East Lothian has a significant capacity in relation to beaches and water features across the county including harbours, rivers, reservoirs and ponds.

The variety of water activities and participation has increased over the years with stakeholders observing a huge increase in 2020 and 2021 of people taking to the water. Appendix 1 lists the variety of activities that are being undertaken.

### 2.4 Environmental Management

East Lothian Council Countryside Ranger Service has management plans for all the sites that they manage and undertakes regular patrols of the areas. They also receive information from members of the public and organisations who have an interest in the environment. Water quality testing is carried out when required.



Where wildlife may be put at risk as a result of pollution (oil/blue green algae/etc) or pollution found to be present in or entering open water, ELC Staff and/ or partner organisations report such occurrences immediately to Principle Countryside Officer who in turn, notifies Environmental Health and Scottish Environment Protection Agency (SEPA) for the appropriate action to be taken.

In such cases, ELC and partners ensure that appropriate warning notices are displayed around the affected area and that water based recreation is prohibited or restricted until the water condition improves.

### 2.5 Edge protection and future design

Virtually all of the coast has international, European and national designation for its natural heritage features.

It is the natural habitats of the area that attracts people to visit and it is therefore these habitats and features that must continue to be protected. Any future plans and designs must protect the wildlife and not erode the fragile environment that makes East Lothian a special place.

When facilities such as play areas, external recreational or sporting facilities, walkways or planting areas etc which are adjacent or near to water, are to be developed, careful consideration of both design and maintenance will be made in accordance with the Construction, Design and Management Regulations. The siting and design of such facilities will be jointly planned and prepared in consultation with Landscape and Countryside Principle Countryside Officer and site Countryside Ranger to ensure the safety of all users of the facilities, staff employed to maintain the completed facility and that the site protected.

Factors to be considered in any design include, but are not limited to:

- Designations placed on the site
- Edge gradients
- Planting
- Steep gradients
- RoSPA open water design guide/ management

## 2.6 Water safety signage (WSS)

East Lothian Water Safety Group recognises that the provision of appropriate and adequate information on water safety, both to staff and to members of the public, is crucial to the success of the Water Safety Policy and to accident prevention. Information is made available in a number of ways.

In 2021 water safety signage was designed and installed in conjunction with the Belhaven Water Safety Group (BWSG) for Belhaven Bay at Shore Road and at Thorntonloch. Later, during the summer of 2021, the lessons learnt from BWSG were expanded and visitor management signs, which included water safety, were designed and installed at the following coastal sites:

- Fisherrow
- Longniddry Bents 1, 2 & 3
- Gullane Bents
- Yellowcraig
- North Berwick east and west beaches
- Belhaven Bay
  - John Muir Country Park
  - Tynninghame
  - Shore Road
- Whitesands
- Barns Ness
- Thorntonloch

The signage is positioned at key access points and next to toilets so as to gain as many viewers as possible.

In 2022 posters were developed to further highlight water safety and to prevent incidents.

When ice develops on open water at its sites Council Landscape and Countryside and partners will ensure that appropriate and adequate warning signs are displayed at appropriate points and near to the water's edge. The location of such signs will be to ensure that they give a clear warning of danger to visitors to the site.

When ice forms on ponds it is policy not to break ice as it forms.

Signage is a mitigation feature and therefore should continue to be considered in risk assessments.



## 2.7 Management of public rescue

equipment (PRE)

The Royal Society on the Prevention of Accidents (RoSPA) guidance on the provision of life buoys:

*You should only decide to install public rescue equipment after you have conducted a risk assessment. Rescue equipment should play only a minor role in a water safety strategy, with greater emphasis on prevention.*

<https://www.rospace.com/faqs/detail?id=189> accessed 11/4/2022

It is recognised that when considering new items these should be carried out through the risk assessment process to determine the need, likelihood of them being of used and reliability of them.

At sites overseen by the Council and partners all signs and PRE are monitored and are to be maintained.

## 2.8 Reporting Accidents and Incidents

Where a member of staff is involved in an incident or sustains injury as a result of an accident, the reporting of the accident/incident must be in accordance with ELC written procedures.

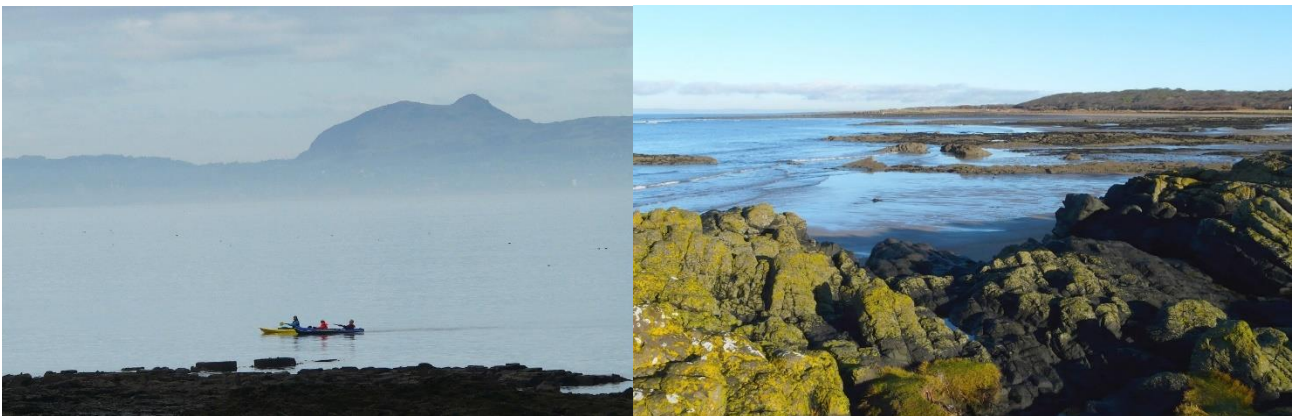
Where a member of the public is involved in an incident or sustains injury through an accident and the accident/incident is witnessed either by a member of staff or ELC service provider, the accident/incident must be recorded.

Members of the public will be encouraged to report accidents/incidents to the Countryside Ranger Service via an online service.

## 2.9 Water Safety Scotland: Water Safety Education

Water Safety Scotland (WSS) is committed to reducing drowning and by working collaboratively they aim to reduce all accidental drowning fatalities by 50 percent by 2026. Recognising the pivotal role that education plays, Water Safety Scotland and Education

Scotland announced in 2022 the creation of resources in order to support practitioners to further develop children and young people's understanding and awareness of the dangers of water. They have also created a National presentation that is designed to be used outside



the classroom, by partners and in communities to encourage safer behaviours in and around water.

As part of the Drowning Prevention Strategy, WSS aims to drive a generational change in Water Safety education with a key focus on promoting the WSS Code. The use of Scotland's waterways can be enjoyable and positive when coupled with appropriate risk awareness and valuable education opportunities: to help with this they are releasing a new education



resource which will provide age-and-stage-appropriate learning opportunities for children aged 3 – 18. The progression pathway is comprised of lessons and a suite of materials including extension activities that will encourage critical thinking regarding the dangers of water, risk and lifesaving knowledge. The three step Water Safety Code is woven throughout the Progression Pathway that contains inclusive, accessible lessons and activities for children and young people. The first release of these cost-free resources, initially for the Third/Fourth Level, will be made available on the 25th April 2022 on the National Improvement Hub and also available the WSS Website.

These resources fall within the Health and Wellbeing Curriculum (which is a responsibility of all practitioners) and helps young people foster better understanding in mental, emotional, social and physical wellbeing. The progression pathway and accompanying guidance and resources will sit alongside additional Water Safety related content on the National Improvement Hub, including: E-Sagoil Water Safety Assembly featuring Olympic Swimmer Duncan Scott. Extra-Curricular resource, such as resource for CLD practitioners and outdoor education will also be available. Additionally, a Water Safety Education National Presentation will be available to download for free on the Water Safety Scotland website. WSS hope that this will support partners, communities and families to talk to young people about water safety, and will encourage children and young people to think critically about their behaviour in and around water.



### **3. Council and Partner Policies for Water Safety**

#### **3.1 Risk Assessments and Site inspections**

Risk assessments are in place where appropriate and are reviewed on an annual basis and updated as required.

Where a risk assessment has previously identified areas known to be attractive for water sports, additional signs, normally positioned at main entrances to the site, will be positioned at regular intervals around the water's edge as determined by the risk assessment.

It is recognised that a partnership approach is required to attain high quality management of water features throughout East Lothian therefore ELC welcomes the input from partner organisations in carrying out site risk assessments.

#### **3.2 Site Water Safety/ Emergency Plans**

It is unfortunate but acknowledged that accidents and incidents occur in the outdoors and that assistance is required, on occasion, by the emergency services. Due to the natural environment not all areas are easily accessible by heavy vehicles or by any vehicles in some locations.

Working in partnership with HM Coastguard, Royal National Lifeboat Association (RNLI), Scottish Fire and Rescue Scotland (SFRS), Police Scotland (PS), and the Scottish Ambulance Service (SAS) the Council and partners will review and produce Incident Plans for the various sites when and where appropriate.

Any plans could include, but would not be limited to, the following aspects:

- Maps of all areas of open water at sites managed by ELC
- A plan of the site including emergency access routes
- Potential hazards and risk factors
- Managing visitors to the site - water safety information - controlling access inc. tidal information
- Special conditions and supervision requirements relating to the use of the water for activity groups
- Details, maintenance and location of all emergency equipment
- Staffing arrangements
- Systems of work for all staff and volunteers
- Training requirements for all staff and volunteers
- Actions in the event of an incident
  - Helicopter landing areas
  - Emergency access routes
  - Seaward access point



### 3.3 Sustainable Drainage (Suds and the National Planning Policy)

The National Planning Policy framework sets out the expectation for new developments that they should be sustainable and should avoid flood risks to people and property, and manage any residual flood risks.

Many sites are currently in use in East Lothian or are to be used to support the above. The flood risk within such sites needs to be managed effectively and consideration must be given to the current and ongoing risks when accommodating flood water on site. The factors will include location and the length of time the water will be present, this is critical to water safety for all site users, therefore as no site can be considered generic, individual assessments of all sites involved in flood elevation schemes will be required by those who own and manage them. All relevant parties should be involved in this process to provide a suitable outcome for all with the project

In addition, RoSPA strongly encourages developers and designers to separate children's play equipment from water features, including SUDS schemes. Even schemes which are occasionally or temporarily submerged pose an unnecessary risk to children from drowning, increased risk of slips on and around equipment and from water borne contamination directly and indirectly.

RoSPA recommends that play areas be at least 30 metres from water features, including SUDS schemes. Young children, who have escaped supervision, can run at one metre per second and can quickly reach the water's edge. Mitigation needs to be provided if separation cannot be achieved.

Further information from RoSPA can be found here:

<https://www.rospa.com/leisure-water-safety/water/advice/sustainable-drainage-systems>



### 3.4 Working in, on or near Water

In circumstances where employees or volunteers are required to work on or supporting employees carrying out such duties or activities on open water or rivers, buoyancy aids manufactured in accordance with EN393:1994 must be provided.

In accordance with the above a minimum of two staff must be involved when the use of water craft is required. A suitable and sufficient risk assessment must be undertaken before any such work or other activities are undertaken.

### 3.5 Public rescue equipment (PRE)

Following up on a risk assessment carried out by the RNLI a lifebelt is located near the Beil Bridge in Dunbar as they are better used from height, (they can only be dropped or thrown a short distance). This lifebelt is monitored by the nearby Surf Hub and Countryside Staff.

PRE is a mitigation feature and therefore should continue to be considered in risk assessments along with the likelihood of vandalism, monitoring and maintenance of them.

See Appendix 2 Open Water Rescue Provision - Guidance on the provision of life buoys

East Lothian Council and partners will continue to support and emphasise preventative messages.

### 3.6 Public awareness

#### 3.6.1 Educational initiatives through schools and partners

East Lothian Council undertakes a range of water safety related activity which includes its Primary School Learn to Swim Programme at Primary 5. All Primary 5's are assessed in their swimming competency and further lessons are provided for those who require it on a targeted and needs basis. Identified Non-Swimmers are also able to access the council's Leisure partner enjoyleisure who themselves provide a wide range of swimming lessons across the County.

**enjoyleisure** support East Lothian's primary school swimming programme by offering 12 weeks of free swimming lessons to children who do not meet the East Lothian standard (swimming 15m competently) after their block of school lessons. Children who do meet this standard are given a pass for 8 free swims to encourage them to continue to swim and build water confidence.

**enjoyleisure** work in partnership with Scottish Swimming to deliver the National Learn to Swim framework. Lessons are available from age 4 months onwards, with children and adults able to access weekly swimming lessons. The National Framework has an emphasis on water safety, to ensure that children are not only competent swimmers but have the necessary skills to keep themselves safe in the water.

**enjoyleisure** offers 'free swims' as part of the Learn to Swim membership for children and adults, to encourage frequent swimming to build confidence and develop water safety skills.

**enjoyleisure** actively participate in the annual Drowning Prevention Week, with all swimming lessons dedicated to water safety activities. The aim is to educate children and adults in keeping themselves safe in and around open water. We are committed to working with schools and the RLNI to extend this offer to target schools and provide sessions to educate children not only in water safety, but basic first aid and spotting the dangers around open water.

**enjoyleisure** are committed to expanding their Learn to Swim programme to allow more people the opportunity to learn to swim. We aim to extend our range of water based activities by offering rookie lifeguard classes and swim fit classes.

The Council's Outdoor Learning Service provide a range of education and learning opportunities in water based activities under the guidance of experienced and suitably qualified staff.

The East Lothian Water Safety Group will continue to look to enhance wider education and training opportunities around water safety taking a collegiate approach.

### 3.6.2 Communications

It is recognised that water safety is a partnership approach and that the partners provide a range of expertise. ELC will continue to share and link in with national and local campaigns and share content that will raise the profile of water safety and assist in the flow of information related to preventing incidents and improving safety.



3.6.3

### Private Operators and Public Safety

The Adventure Activities Licensing Authority (AALA) came into existence in April 1996 and ensures that activity providers follow good safety management practices. The licensing aims to allow young people to experience exciting and stimulating activities outdoors without being exposed to avoidable risks of death or disabling injury.

Aspects that providers must provide include:

- Management of Health and Safety
- Procedures for assessing & controlling risk (risk assessments and/or operating procedures)
- Recruitment, selection & deployment of competent instructors
- Equipment and maintenance of equipment
- Reviewing & monitoring safety arrangements
- Emergency procedures, incidents & first aid

However, the AALA does not cover adults or families where a parent/s is taking part in the activity.

East Lothian Water Safety Group recognises the growth in the number of water based groups and private operators on the coast and are seeking to investigate ways to ensure suitable qualified operators are recognised as ' Safe Operators – Good to Go ' .

#### 3.6.4 Training schemes

ELC will support organisations who wish to utilise the county for training purposes. This will include providing advice on area suitability based on wildlife sensitive areas and links to water safety organisations with an interest in the area.



#### 3.6.5 Beach Wardens

Beach Wardens (BW) are on sites across the country where it is deemed that the area would benefit from extra qualified staff on site. BW's can be paid or undertake the roles on a voluntary basis.

Pre-requisites include:

- Being a full member of Surf Life Saving Great Britain (SLSGB)
- Current and Valid SLSGB Surf Lifeguard/ NVBLG or Surf Lifesaver Award.
- Completed a minimum of 20 hours of beach safety/patrol activity in 2019.
- Competent in the operation of an LOP and EAP

- A statement from a Club Referee, who must be a qualified Lifeguard or a TA for the Lifeguard Award, to confirm that the candidate is suitable for the roll.

ELC will continue to monitor visitor numbers and water safety across the County; and, assess and liaise with partner organisations on areas of high activity.

### 3.7 Drowning and Incident Reporting

In line with national guidance, any accidental fatality will go through Water Safety Scotland's voluntary Drowning and Incident (DIR) process where it is appropriate to do so. The DIR aims to ensure a comprehensive review of each accidental water-related fatality in order to gather relevant data intelligence that may help to prevent future incidents.

### 3.8 Design and management of public open spaces

Some of the designations placed on the areas that ELCCRS manage include:

- Special Protected Area (SPA's) are selected to protect one or more rare, threatened or vulnerable bird species listed in Annex I of the Birds Directive, or certain regularly occurring migratory species
- Site of Special Scientific Interest (SSSI) -are those areas of land and water that are considered the best that represent natural heritage and are designated under the Nature Conservation (Scotland) Act 2004.
- Ramsar site are wetlands of international importance designated under the Ramsar Convention on wetlands: an intergovernmental treaty that aims to conserve wetlands through local and national action and international cooperation.

All of the above plus other legislation relating to the protection and management of habitats and species must be considered in conjunction with the Countryside Team when designing areas and managing visitors to ensure that, as far as possible, wildlife is protected and visitors have a safe and enjoyable visit.

### 3.9 Policy Review

New ways of working and innovation is a continuing process. As such it is recommended that this policy is reviewed on an annual basis and updated when required to reflect the most up to date actions being carried out.



## Appendix 1

### Water Safety- East Lothian Users and Activities

#### 1. Who are the users?

- Locals
- Tourists
- Commercial businesses
- Community Groups
- Educational Groups
- Individuals

#### 2. What activities are taking place?

##### Water based activities

- Open Water Swimming
- Paddling
- Surfing
- Kayaking
- Suba diving
- Snorkelling
- Coasteering
- Skim boarding
- Jet ski
- Speed boat user
- Cold Water Therapy
- Paddle boarding
- Kite surfing
- Sailing
- Body boarding
- Pool inflatables
- Spear fishing
- Tomb stoning
- Water ski-ing/ wakeboarding
- Windsurfing
- Fishing from a craft

##### Non-water based activities near water

- Kite flying
- BBQ and fires
- Dog Walking
- Horse riding
- Fishing from beach, rock, harbour walls
- Harvesting marine species
- Campers
- Fat bikes
- Sand castle building/ picnicking
- Metal detecting
- Bird watching
- Rock climbing
- Weddings
- Drone flying
- Beach Schools

## Appendix 2

### Open Water Rescue Provision

#### Guidance on the provision of life buoys

*You should only decide to install public rescue equipment after you have conducted a risk assessment. Rescue equipment should play only a minor role in a water safety strategy, with greater emphasis on prevention.*



We recognise the value of providing life buoys at appropriate locations around all areas of open water. The location of life buoys are determined as a result of a risk assessment to ensure that they are provided at points where they may be easily accessible by any person who needs to use them for rescue purposes.

In determining the positioning of life buoys, particular attention is paid to locations where there have been previous incidents, fast flowing water and the presence of very steep banks in areas accessible to the public.

It is generally recognised that:

Life buoys may be provided at strategic intervals around all of the areas of open water managed by Landscape and Countryside (Guide 200 metres). Vandalism and theft represents both a risk to members of the public in the event that an in-water incident arises and also a severe financial burden to the East Lothian Council when replacement becomes necessary.

Life buoys are intended to be dropped into the water from a height or thrown a short distance to a casualty who is in the water. In severe winter conditions, the water surface on most reservoirs, lochs and ponds freezes. These conditions significantly reduce the value of life buoys as rescue devices.

Life buoys provided in such situations act as an attraction to vandals as they can be projected across the surface of the ice to a point where their recovery represents a risk to staff or others venturing onto the ice.

In situations where members of the public may choose to ignore warnings and venture onto the ice, they are likely to break through the surface within a few feet, and therefore reaching or wading distance, of the edge given the profile of the waters bottom adjacent to the edge.

In periods of sustained ice on ponds etc. ELC Landscape and Countryside staff will together review the provision of life buoys at sites where they are thrown onto the ice.

## References

Maritime and Coastguard Agency (2019), *Review of the legal responsibility for beach safety January 2019 for the Maritime and Coastguard Agency*, viewed 25/02/2022, available at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/931295/Review\\_of\\_the\\_legal\\_responsibility\\_for\\_beach\\_safety.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/931295/Review_of_the_legal_responsibility_for_beach_safety.pdf).

East Lothian Council (2017), *East Lothian Council Plan 2017-2022*

FAQ Question: *At what intervals should I place life rings around a water hazard?*  
<https://www.rospea.com/faqs/detail?id=189>, viewed 11/4/2022