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**David Marchant** LLB (Hons) BSc (Hons) CEng FICE FCMI  
**Chief Executive**

## AGENDA

<b>Committee:</b>	<b>SCRUTINY</b>
<b>Date and Time:</b>	<b>Monday 13th July 2015 at 5 p.m</b>
<b>Venue:</b>	<b>Council Chamber</b>
<b>Membership:</b>	<b>Councillors Blackwell (Chairman), Bayley, Cross ,E.Egan, Mrs Goodwin, Hurrell, Partridge and Tucker</b>
<b>Cabinet Member attending</b>	<b>Councillor Skipp - Environment and Leisure</b>
<b>Officers attending:</b>	<b>Trudie Bragg - Head of Environment Ann Horgan - Scrutiny Officer</b>
<b>Enquiries:</b>	<b>Cheryl Salmon, Ext. 2454</b>

### **PART I**

**(Business to be taken in public)**

- 1. Apologies**
- 2. Members' Interests**
- 3. Concord Beach Paddling Pool**

The Scrutiny Committee has been convened to conduct a review into the Council decisions to close and then reopen the Concord Beach Paddling Pool in May 2015.

(The Scrutiny Committee wishes to be assured that the Council is taking all necessary action to make sure the pool is safe to provide reassurance to the public regarding safety of the pool.)

**The Committee is reminded to bring to the meeting the papers already provided – The report to Cabinet the QLM report and ROSPA report. The Committee may also need the papers sent separately by Mr. Letchford**



**SCRUTINY COMMITTEE**

**13th JULY 2015**

**Subject: Concord Beach Paddling Pool**

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**1. Purpose of Report**

This briefing note has been prepared to assist the Scrutiny Committee in conducting a review into the Council decisions to close and then reopen the Concord Beach Paddling Pool in May 2015.

(The Scrutiny Committee wishes to be assured that the Council is taking all necessary action to make sure the pool is safe to provide reassurance to the public regarding safety of the pool.)

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**2. Background**

- 2.1 The "new" Paddling pool is a popular facility adjacent to the café on Concord Beach which has been enjoyed for decades without any serious or life changing accidents arising from its use.
- 2.2 There is a raft of advisory signage warning users of the hazards associated with the pool and regular operational checks are undertaken throughout the summer season so that any corrective action that is needed can be undertaken in a timely manner.
- 2.3 Pre season works undertaken this year included the provision of additional signage and the importation of shingle to cover the concrete base with a view to reducing the slip hazard associated with algal growth.
- 2.4 As part of the Council's management regime for the facility, Quality Leisure Management (QLM), the consultancy the Council uses for independent health and safety advice at its leisure facilities was commissioned to undertake a safety audit of the pool and to review the Council's documentation once the pre season works were completed and the pool was in use. This review had been commissioned prior to receipt of the ROSPA report commissioned by Colin Letchford.
- 2.5 The initial inspection had been scheduled for late May but the date was brought forward in response to the findings and recommendations in the ROSPA report.

### **3. ROSPA Report**

- 3.1 Colin Letchford, a Borough Councillor acting independently as the Chairman of the Friends of Concord Beach commissioned a report from ROSPA which was handed to the Council by Councillor Letchford on 1<sup>st</sup> May 2015 who was assured that the report would be referred to the Chief Executive and the officers responsible for the management and operation of the pool.
- 3.2 The report was compiled without the involvement of the Council officers who are responsible for the operation and management of the facility or sight of the Council's risk assessment for the pool, accident records, etc. The report was fundamentally flawed and concerns were raised about the inspection methodology and accuracy of the report with ROSPA. The Council requested ROSPA to withdraw the report until such time that the points raised with them have been addressed.

### **4. Decision to close the Pool**

- 4.1 The ROSPA report was made public and the Council received media enquiries from both the local press and BBC.
- 4.2 As no response has been received from ROSPA, given the publicity the report's conclusions had attracted the Council had no alternative but to close the pool pending further safety advice.
- 4.3 The pool was closed on 11<sup>th</sup> May 2015.

### **5. Decision to reopen the Pool**

- 5.1 On 13<sup>th</sup> May 2015 Castle Point Council received a preliminary report from independent safety consultants Quality Leisure Management Ltd (QLM) which concluded that given that the pool has been operating in a very similar way for many years, there is no knowledge of significant accidents and the likelihood of a life changing accidents is small the pool can continue to operate with the current control measures of signs restricting access onto the stone groyne walls and staff patrols.
- 5.2 The pool reopened on 15<sup>th</sup> May 2015

### **6. Cabinet 17.6.2015**

- 6.1 A report was made to Cabinet on 17<sup>th</sup> June 2014 on the outcome of the independent safety audit of the "new" paddling pool at Concord Beach commissioned by the Council following completion of its pre-season works. Cabinet decided:
1. To note the recommendations in the QLM report; and that
  2. Officers explore the feasibility and indicative cost of designing and installing a pontoon style walkway and report back to Cabinet at the earliest opportunity.



3. That the above Cabinet decisions together with the reports are presented as evidence to the Scrutiny Committee in its review to provide public reassurance of the safety of the Concord Beach Paddling Pool.

## **7. Other agencies**

- 7.1 The Committee's attention is drawn to the chronology prepared by Mrs. Bragg Head of Environment attached to this note. Members will note that the Health and Safety Executive (HSE) are fully aware of this matter and the Committee may safely infer they are satisfied that safety concerns are being properly managed and addressed.

## **8. Attendees**

- 8.1 In order to assist the Committee in undertaking this review invitations to attend the meeting have been extended to:

Mrs Trudie Bragg Head of Environment

Councillor Tom Skipp Cabinet Member for Environment and Leisure

- 8.2 Under Rule 12 of the Council's Overview and Scrutiny Procedure Rules, Mr Letchford has been invited to attend the meeting of the Committee in his capacity as Chairman of Friends of Concord Beach to answer questions only. Mr Letchford has been advised separately by the Monitoring Officer.

## **9. Information before the Committee**

- 9.1 The Committee has received in advance the following:

1. A copy of the report to Cabinet on 17.6.2014
2. A copy of the Quality Leisure Management Ltd (QLM) Report
3. A copy of the ROSPA report(draft)
4. Information provided by Mr Letchford to ROSPA

- 9.2 Attached to this note is a chronology prepared by Mrs. Bragg Head of Environment concerning this pool to assist the Committee.

- 9.3 A copy of a power point presentation which Mr. Letchford wishes to make is also included. It is up to the Committee to decide whether it wishes to receive evidence in this way. The presentation has limited relevance (last slide on page 6 and the slides on page 7)

- 9.4 Finally the Committee is reminded of the legal implications:

The Health and Safety at Work etc Act 1974 requires the Council to do all that is reasonably practicable to minimise the risk of injury to users of the facility.

Consideration of what is reasonably practicable is based on an assessment of the severity of risk and the cost of the control measure.

With a facility of this nature there will always be an element of risk as it is impossible to remove all the hazards associated with its use without removing the facility completely.

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## New Paddling Pool – Background Information

Date	Action
January 2012	<p>Cabinet considered the options appraisal undertaken by Robson Liddle, structural engineers employed by NPS and resolved to go with option 2. i.e.</p> <ul style="list-style-type: none"> <li>• Breach the southern groyne and create drainage channel to prevent pool from retaining water at low tide</li> <li>• Concrete slipway / base to be demolished and removed completely</li> <li>• Reduce height of southern groyne to lessen risk of injury</li> </ul> <p>Estimated cost for demolition works = £ 28,000.00</p> <p>The advantage of this option was that:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Reduces risks associated with pool facility (drowning etc)</li> <li><input type="checkbox"/> No adverse effects to adjacent beach</li> <li><input type="checkbox"/> Tidal protection (café &amp; sea wall) is maintained</li> </ul> <p>The disadvantage was that:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Some risks to the public remain (i.e. walking on southern groyne)</li> </ul> <p>The project to be managed throughout by NPS Ltd.</p>
Feb – May 2012	<p>Subsequent to the Cabinet decision, NPS sought sign off of their proposed design and assurances from the structural engineer of the tidal effect on the adjoining area with the partial removal of the wall. Proposals for improved signage were also drawn up for approval by EA/PLA.</p>
May 2012	<p>A Land Drainage and Flood Defence application was submitted to the Environment Agency but the EA required further information and justification for the works.</p>
Spring 2012	<p>New signage installed and some repairs to steps adjacent to Concord cafe undertaken by CPBC</p>
June 2012	<p>Due to the specialist nature of the work, Peter Fraenkel and Partners Ltd, leading specialist</p>

Date	Action
	marine civil engineers were employed to give NPS and CPBC the necessary design guarantees and assurances, and to support the Land Drainage and Flood Defence application. We needed to be certain that we did not do anything that impacted adversely on the adjoining beach area and cafe and/or create additional hazards..
September 2012	Following site visits and in depth analysis and calculations during summer 2012, the Fraenkel report was issued.
October 2012 – June 2013	After further extensive discussions, the specification was completed and signed off by the specialist marine engineer
July/August 2013	Meetings on site with demolition contractors. The removal of the concrete slab (which was much larger than had initially been thought) on a restricted site was proving problematic due to the sheer volume of material that is required to be moved from site
September 2013 – November 2013	The option to break out the concrete base was discounted due to the excessive cost of removing the arisings (due to the restricted nature of the site) and the fibre reinforcement of the concrete base meant that reuse of the material on site would create a significant hazard. .. The option to breach the front bund was also discounted because of ongoing maintenance concern due to the erosion of beach material adjacent to the newly formed openings. The proposal now from NPS was to infill the tidal pool with graded shingle to remove the slip hazard currently presented by the concrete base which will negate the need to breach the front bund.
January 2014	Revised application sent to EA for Land Drainage and Flood Defence application with detailed specification and drawings.
January 2014	EA advised that we now needed to submit application to Marine Management Organisation
July 2014	Following period of public consultation, the MMO application approval was finally received and consent given for the infill works to go ahead
Autumn 2014	NPS advised that for quality assurance purposes



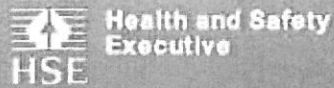
Date	Action
	they could not proceed with the infill option until they had sought specialist advice from a coastal engineer on the feasibility of the shingle infill option and specification of infill material that could be used.
November 2014	Richard Jackson Ltd sub- consultants appointed to undertake feasibility study and prepare tender documents.
28 November 2014	Confirmation from Richard Jackson Ltd that it would be viable to infill the pool, and the fill material would consist of varying sizes of rock between 0.8x0.8x0.8 and 0.5x0.5x0.5 Subsequent to onsite approach from Colin Letchford they suggested we could also tender for handrail option.
14 January 2015	Confirmation from NPS of tender prices received for rock infill / handrail options
19 January 2015	Portfolio Holder and Head of Environment invited to Leaders meeting to discuss safety improvements to the paddling pool. Leaders felt that safety improvements should be limited to additional signage.
26 January 2015	On site meeting with reps from Thorney Bay Watch, Friends of Concord Beach and elected members. Explained works which would be carried out ahead of 2015 summer season as agreed by the Leaders at their meeting on 19 January.
19 March 2015	ROSPA rang to advise that they had been requested to undertake an inspection of the paddling pool by Colin Letchford. Advised that it was not necessary for him to commission a report as the Council was intending to commission our own independent safety audit once we had completed the pre season improvement works. Advised that we were intending to ask QLM, our leisure consultant for a quote for the works, Invited ROSPA to submit a quote too.
19 March 2015	Quote for independent safety audit of pool received from ROSPA
24 March	QLM Benchmarking Day, preliminary advice sought about paddling pool/ independent safety audit
March 2015	Additional safety signage installed
2 April 2015	Importation and spread of shingle across base of pool
2 April 2015	ROSPA inspection commissioned by Colin

Date	Action
	Letchford
13 April 2015	Safety audit brief sent to QLM
13 April 2015	Quote for safety audit received from QLM and request for them to undertake safety inspection.
27 April 2015	Contacted by HSE who were following up on concerns raised with them about the safety of the pool
1 May 2015	Chief Executive received copy of draft ROSPA report which concluded that the pool presents an unacceptably high level of risk to users and should be closed until remedial works can be carried out and that suitably robust arrangements are made to exclude the public from the site
5 May 2015	Risk assessment and monitoring sheets sent to HSE as per their request.
7 May 2015	Email to ROSPA asking them to withdraw the draft report because of the concerns raised with them about inspection methodology and validity of (draft) report/request escalated within ROSPA
8 May 2015	On site meeting with fencing contractor
8 May 2015	Echo headline "Dangerous pool must close" and release of information in ROSPA draft report
11 May 2015	Pool closed and temporary posts and chains installed as ROSPA draft report not withdrawn
13 May 2015	QLM safety inspection (brought forward from 25 <sup>th</sup> May)
13 May 2015	Preliminary advice from QLM that the pool can continue to operate with the current control measures
15 May 2015	Pool reopened to public following receipt of preliminary QLM advice
20 May 2015	Risk assessment reviewed at request of HSE (in light of ROSPA report) and sent to HSE along with background information
2 June 2015	Copy of QLM report sent to HSE /HSE request for Council's response to QLM report
9 June 2015	Draft Cabinet report recommending installing of pontoon style walkway as preferred option, as per recommendation in QLM report sent to HSE
17 June 2015	Cabinet meeting and decision to explore feasibility of installing pontoon style walkway.
1 July 2015	Notified HSE of Cabinet decision/confirmed that for practical reasons we were not intending to operate red/green flag system but were intending to operate red flag outside of summer season.
2 July 2015	HSE requested to be kept updated of progress in

Date	Action
	pursuing QLM recommendation of installation of pontoon style walkway.
20 July 2015	Meeting scheduled with Keagan's to discuss project brief for pontoon style walkway







## HSE clarifies health and safety responsibilities for public paddling pools and tidal pools

E109:05 22 August 2005

The Health and Safety Executive (HSE) has issued a note clarifying guidance for managing health and safety in public paddling pools, tidal pools and segregated areas of rivers, lakes and the sea. HSE has issued the note in response to requests from operators of such facilities to make clear their responsibilities.

The note will accompany HSE's existing guidance, Managing Health and Safety in Swimming Pools (HSG179). HSG179 applies primarily to the safe management and operation of swimming pools. The new note does not replace any of the guidance contained in HSG179 but is intended to clarify for both operators and users the legal requirements relating to other sorts of pools and swimming facilities.

In a question and answer format, the note addresses key questions that managers have raised, such as "Does HSE guidance apply to paddling pools?" and "Does HSG179 apply to swimming in open water?" The note emphasises the need for pool operators to carry out a risk assessment and implement precautions based on the findings of that assessment.

Justin McCracken, Deputy Director General of HSE, said: "Sensible health and safety is about managing risks, not eliminating them. Proper risk assessment should result in precautions appropriate to the particular circumstances.

"HSE aims to be open and helpful. We recognised that some managers believe that health and safety law may impose excessive restraints on the way facilities such as paddling pools are used, so we have issued this note to clarify their responsibilities.

"HSE believes that swimming and paddling pools are valuable recreational facilities and learning to swim is a vital part of children's education. It would be a sad day if misplaced risk aversion deprived them of such opportunities.

"If people choose to swim in open water where swimming is not actively encouraged, it is reasonable to assume that they take greater responsibility for their own personal safety."

The clarifying note can be downloaded from the HSE web site at [entertainment/leisure/swimming-pool.htm](http://www.hse.gov.uk/entertainment/leisure/swimming-pool.htm)<sup>[1]</sup>. It will also be included with all purchases of HSG179.

## Notes to editors

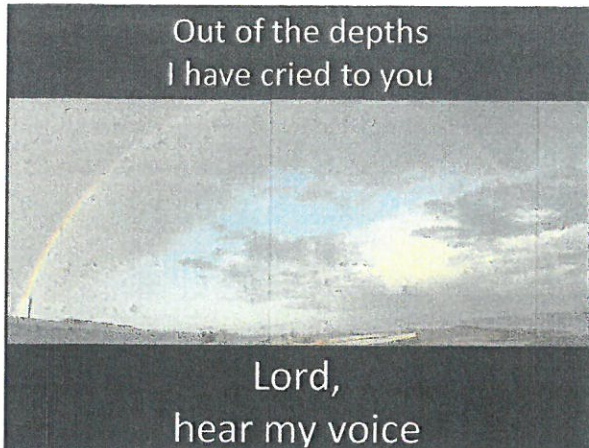
1. There are no specific health and safety regulations covering swimming pools, paddling pools or areas of open water. The Health and Safety at Work etc Act 1974 requires employers to conduct their undertaking in such a way as to ensure, so far as is reasonably practicable, that the public is not exposed to risks to their health and safety. This general duty is supplemented by the Management of Health and Safety at Work Regulations 1999 which require employers to assess risks to the public and decide what measures should be taken.
2. HSG179, like other HSE guidance, is intended to help dutyholders meet the requirements set out in health and safety legislation. Following the guidance is not compulsory and dutyholders are free to take other action. If they do follow the guidance, they will normally be doing enough to comply with the law.

## Press enquiries

All enquiries from journalists should be directed to the [HSE Press Office](http://www.hse.gov.uk/press/)<sup>[2]</sup>

## Link URLs in this page

1. [entertainment/leisure/swimming-pool.htm](http://www.hse.gov.uk/entertainment/leisure/swimming-pool.htm)  
<http://www.hse.gov.uk/entertainment/leisure/swimming-pool.htm>
2. HSE Press Office  
<http://www.hse.gov.uk/press/contacts.htm>

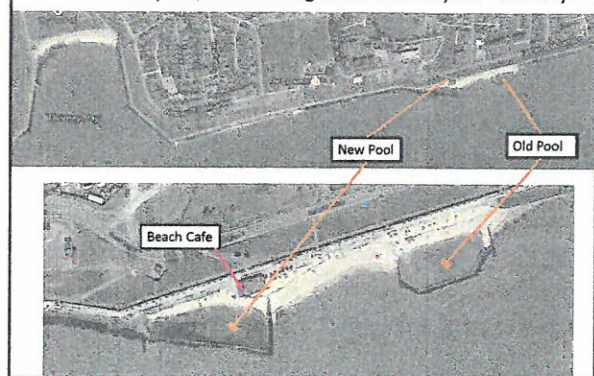


The Council can only rely on advice from qualified industry experts. The Council employs a professional officer to decide how to respond to the conclusions of expert's reports.

The Head of Environment  
Qualifications: BSc (Hons) MCIEH  
[Member of Chartered Institute of Environmental Health]

# Two Pools - One Report

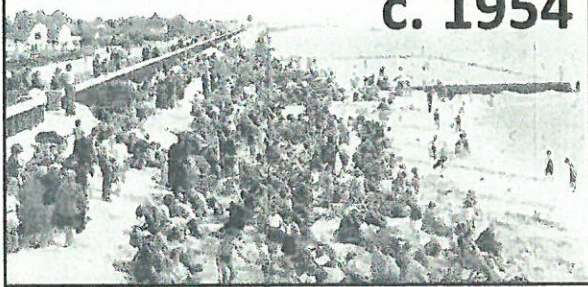
There are two pools on Concord Beach known as the old pool and the new pool; both dating from the early 20<sup>th</sup> century.





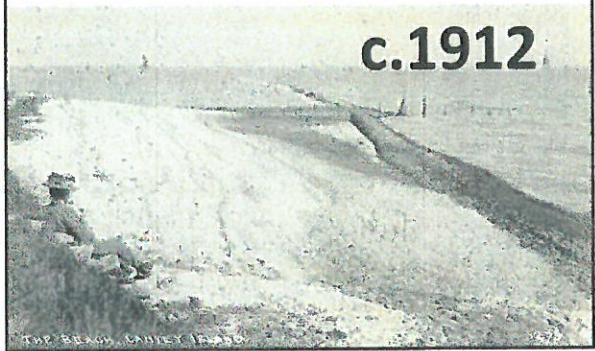
The old pool was originally a swimming pool made of wood; later concrete walls were added. In 1985 the present pool was built, using steel piling and concrete, inside the perimeter of the old wall. Later the pool was filled with sand to make it a paddling pool with a maximum depth of 18 inches.

**c. 1954**



The new pool [so called because it was rebuilt in 2008/9] was formed by a groyne from the beach joining the original Dutch sea defence coffer wall. It has been used as a paddling pool and a boating pool.

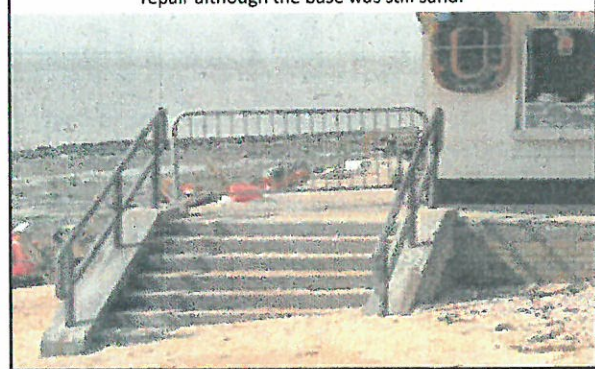
**c.1912**



By 2008 both pools had fallen into a state of disrepair but were still being used by visitors to the beach. Here children and adults are crabbing in the old pool.

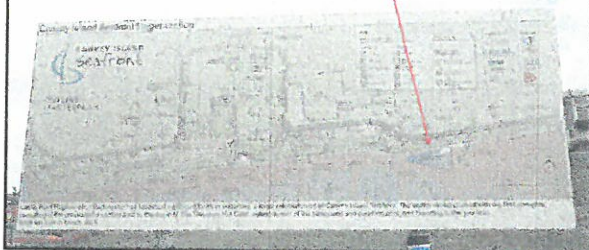


This photo shows the new pool in early 2008. The pool had developed bad leaks in the old Dutch wall and was in a poor state of repair although the base was still sand.

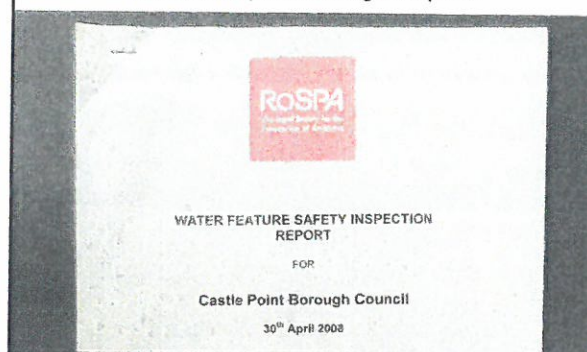




In 2008 the Castle Point Regeneration Partnership [Castle Point Borough Council and East Of England Development Agency] was formed to regenerate the seafront but only the new pool was to be repaired.



In 2008 Castle Point Borough Council commissioned the Royal Society for the Prevention of Accidents to prepare a safety inspection report covering both pools.



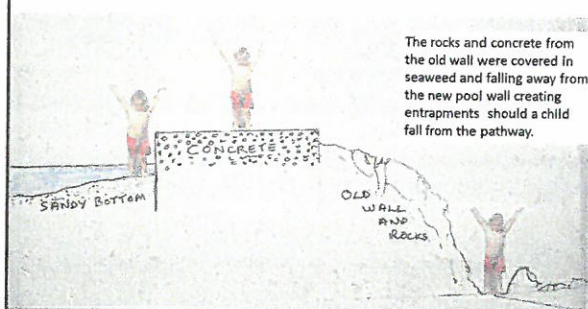
As far as the new pool was concerned the report says:

**Page 10 . Gaps between concrete blocks require filling. Trip hazards. Medium Risk.**

**Page 11. Seaweed covered rocks. Slippery. Medium risk. Include entrapments which are unseen when covered by water. Medium/High risk**

The report, having highlighted the risk to children falling from the pathway around the new pool, says on Page 14 3.1 Edge Protection Measures "Recommended railing at edge of the concrete block walkway at the 1920s pool. As the terminology suggests this is a 'walkway' that has very slippery seaweed laden rocks to the estuary side, and protection from falling is recommended."

I am not an expert but this is a diagram from a report I presented to the council. It is a scale drawing showing an average two year old boy [35 inches tall] standing in the pool, on the pathway and at the bottom of the rocks.

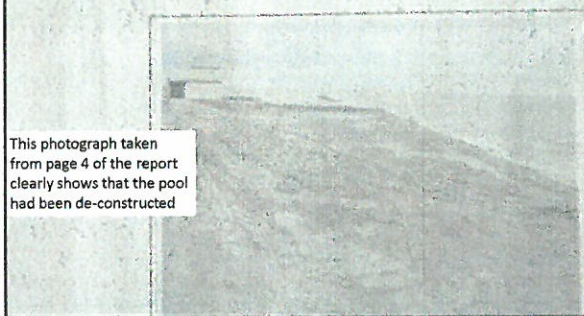


In February 2010 CPBC's cabinet decided that the old pool should be demolished but following a campaign by the public the pool was handed over to the care of Canvey Island Town Council. The trip hazards were repaired and railings installed at the edge of the pathway.



The report clearly states on Page 4 that: "Two sea paddling pools were inspected. The first is currently being constructed"

Looking eastwards towards Thames estuary



This photograph taken from page 4 of the report clearly shows that the pool had been de-constructed

In order to complete the risk assessment the inspector had to rely on information given to him.

The following extracts show he was informed that ;

1. Page 7; The metal pillars show that this section is still to have a retaining wall constructed along its length.
2. Page 7; Filling the void to the suggested 600mm water depth with natural sand and shingle.
3. Page 13; Supervision and signage is required to the suggested level of the Castle Point Borough Council 'Draft Risk Assessment'
4. Page 14; Additional signage to include opening times i.e.
  - '1<sup>st</sup> May to 30<sup>th</sup> September'
  - 'Supervised between 9am to 6pm daily'
  - 'Maximum depth 0.6 metres'
  - 'All children under 8 months must be supervised'
  - 'Glass free zone'

The report did not recommend railings for the new pool because the wall in 1. above would serve the same purpose. However, it did recognise the "possibility of climbing over the retaining wall into deeper water -being carried out by tidal/wave action."

When I looked at the pool in February 2010 none of the works on the previous list had been completed.

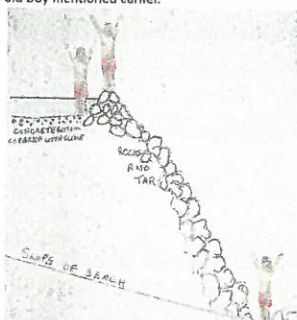
In the introduction to the report on Page 2 it states:  
"It would not normally be necessary for RoSPA to review the water feature for approximately five years unless any major alterations have taken place in the intervening years."

On 24<sup>th</sup> March 2010 I wrote to CPBC's Health and Safety Officer pointing out the need for a return visit from RoSPA. On the 5<sup>th</sup> March 2010 he advised me by e-mail that the "information has been brought to the attention of the Chief Executive's office. They have advised me that they will be responding to your concerns."

I also submitted several reports on the hazards on the beach pools as part of the campaign to save the old pool. I endeavoured to show that the new pool was more hazardous than the old pool.



In one report I included the scale drawing of the drop from the wall of the new pool using the same average two year old boy mentioned earlier.



On the 13<sup>th</sup> April 2010 I was advised by the chief executive that "the Council can only rely on advice from qualified industry experts which you are not. Your evidence, however interesting, would be of no value"

#### The next major Council event was the Cabinet Meeting of 14<sup>th</sup> September 2010

At this meeting it was agreed that the regeneration of the pool had been a failure with poor supervision and workmanship.

A transcript of the webcast is available but to quote just two issues. Cllr Ray Howard described the work as "**appalling**" and "**EEDA should be named and shamed and made accountable for the terrible mess they made of that pool.**"

Cllr Norman Smith, cabinet member for regeneration at the time, agreed with Cllr Howard saying, "**There was a conglomeration of mistakes that went on with that pool...the surface was wrong.**"

The Cabinet agreed to send the matter to the "**Community PDG** [Policy Development Group] **to look at this pool and the technical information that is presented to them and that a report comes back to council**"

#### The PDG meeting of 6<sup>th</sup> January 2011

At the PDG meeting Mr Mark Evershed, Regeneration Delivery Manager for CPBC, stated that, "**the £225,000 spent on the new pool was only to stop it leaking and not to bring it up to safety standards.**"

The meeting considered a report prepared by Trudie Bragg, Head of Environment and Community Services offering three options:

- Option 1: Demolish the pool and reinstate the beach area.
- Option 2: Bring the pool up to a compliant health and safety standard.**
- Option 3: Creation of outdoor seating area on raised platform.

The main element in the costing for Option 2 was to "**Install a stainless steel balustrade**" as edge protection and this would need ongoing electro polishing.

Why use expensive stainless steel when painted mild steel was used by CPBC on the old pool?

Where it went from there I don't know except that the pool was not made safer.

My charity, "Friends of Concord Beach", had been formed in September 2010 and we were busy for the next four years on cleaning, painting the wall and the murals, 56 benches, notice boards and the shower. We deliberately kept our activities away from the western end by the new pool because we did not want to encourage children to play in the pool.

We were aware of the growing number of accidents in the pool. We did keep asking when the pool would be brought up to standard.

However we were advised by the Environment officer that the work to improve the pool would start in September 2012 when the school holidays were over.

Letter to Environment Agency dated 17-02-2013

Mr Roger Webster  
The Environment Agency  
Anglian region - Eastern Area  
Iceni House, Colham road  
Ipswich  
Suffolk IP3 9JD

Dear Roger,

Friends of Concord Beach

Further to your letter dated 8<sup>th</sup> October 2012 [your ref: AE/2012/00349] I wish to report that we have completed the installation of the benches and painting of the sea wall to the East of the café on Concord Beach. We continue to maintain the benches and the painting; and the cleaning and weeding etc. of the area. Our work has been well received by the public and indeed by your own David Murphy.

We now seek permission to further improve the beach area to the West of the café. We are assured that the paddling pool in this area is to be improved by Castle Point Borough Council in early 2013.

Then we were advised the work would start in September 2013 when the school holidays were over.

- Then we were advised that the work would start in 2014 when the school holidays were over.

Then in 2014 .....

I spent over 12 weeks supervising the Flood Mural opposite the pool.

I spent hours every day on the path and witnessed many slips, falls and injuries. I carried children to the shower to wash their cuts and grazes.

When the mural was finished the Heritage Lottery Fund asked if I needed money for another project. The North Thames Veolia Trust had likewise enquired when the shower project was completed.

I wrote to councillors suggesting a partnership to repair the pool saying we could get sponsor money unavailable to the council. We received no reply.

With all projects complete Friends of Concord Beach was now in maintenance mode so I stood for election in East Ward. Concord Beach is not in East Ward and I had decided to rest from fighting to get the pool improved.

I stood as an Independent candidate assuring residents that I would work for them in East Ward. Many of my residents use Concord Beach and their children use the pools.

- ✓
- 30-10-2014 Elected Borough Councillor for East Ward
  - 31-10-2015 T Skipp invited me to meet him on 3-10-2015 to discuss new pool safety
  - 26-01-2015 Interested parties visited the seafront and the pool. Meeting at the Paddocks to discuss future. We were assured that railings would be fitted to the pool.
  - 03-02-2015 Met T Skipp and T Bragg. T Bragg said pea shingle would be put in pool, no railings. I told them that if they did not get RoSPA to inspect the pool I would. No mention of pre arranged inspection.
  - 19-02-2015 Email from T Skipp saying only enhanced signage would be installed with gravel. Railings would not be installed because of disruption to pool users in the summer. He had requested T Bragg to get quotes "for a similar arrangement as is in use in the old pool".
  - 24-02-2015 Met C Riley and B Sharp. They agreed railings should be a priority.



25-02-2015 Informed T Bragg that David Clarke Bsc Ceng MICE MCIHT could produce drawings of railings. He had already been used by CPBC to report on the pool [re; pea shingle] and had measurements. Cost: approx. £750

30-03-2015 Requested meeting with R Howard and D Marchant

17-03-2015 Email from T Skipp to W Sharp saying he had been assured gravel would not be washed away and that a pool H & S inspection could not be made until the summer when children were in the pool.

18-03-2015 Emailed T Bragg that I had commissioned RoSPA to carry out a H & S check on the pool.

18-03-2015 Email from T Skipp confirming above and saying he had instructed T Bragg to get a H & S report.

30-03-2015 Email from W Sharp. I am here with Ray Howard trying to arrange meeting.

02-04-2015 Pool inspected by RoSPA before and after 30 tonnes of pea shingle spread. Tracked machine had a leak of hydraulic oil. Spread over slope, pathway, apron, sand and pool. CPBC not aware and not reported to PLA?

01-05-2015 I receive 'draft' report and tell RoSPA I accept it "as is" and do not wish to comment. Advise CPBC of contents. Pool is closed.

12-05-2015 As most of pea shingle had been washed away CPBC fill pool with sand from nearby beach.

13-05-2015 Pool inspected by QLM

14-05-2015 T Bragg announces pool will be re-opened. Inspection claimed to be pre-planned. New measures include 3 patrols a week with additional signage. Pool will be topped up with sand from beach to prevent slipping.

18-06-2015 Attempting to replace the sand that had now been washed away the council's JCB digger is lost to the sea. Since then no more sand has been put in the pool to cover the concrete.

23-06-2015 I visit PLA H&S section. I am advised that no grated pontoon style walkways exist in PLA jurisdiction, a trip hazard especially for small bare feet. PLA use RoSPA. I give them both reports. They will contact CPBC about the pool and will check if the pool is licensed.

24-06-2015 Email from CPBC Financial Services confirming CPBC pay PLA around £323 each year in relation to the pool.

On 2<sup>nd</sup> April 2015 RoSPA inspected the pool and I received the draft report on 1<sup>st</sup> May 2015.

The reason it is a draft report is that RoSPA produce a report and then ask their customer for their comments.

The inspector had been in communication with CPBC officers.

As I am not an expert I wanted the report to be purely the opinion of RoSPA based on their observations and the written evidence I had provided to them.

I passed the report findings to Senior councillors and CPBC officers at the earliest opportunity.

# One Pool Two Reports

Recommendations		
Ref	Item	Action
1	Pool depth	The design of the 'old' pool under the control of the Town Council provides an acceptable template to address this issue
2	Pool floor	As above
3	Height of drop off the wall	The positioning of a fence of a well designed wall, as provided on the 'old' pool is an acceptable template to address this risk
4	Design of the wall	As above
5	Access to the pool	As above

**ROSPA**  
The Royal Society for the Prevention of Accidents

**Safety Assessment**  
Rebuilt beach pool  
at Concord Beach  
Canvey Island  
April 2015

The report also said:  
In view of the issues highlighted in this report which identify that the risks to users are unacceptably high, RoSPA strongly recommend that the facility is closed until such remedial works can be carried out and suitable temporary arrangements are made.

### The Council's Response

Was to reject the RoSPA report saying it was "fundamentally flawed" and compiled without the involvement of council officers who are responsible for the facility. The council commissioned a new report from QLM. The pool was temporarily closed with a fence.

The QLM advised it was safe to re-open the pool.

### QLM Report: 4.5 on page 6 deals with the possibility of children being washed off the wall by a ship's wash.

During our visit to the pool we received a claim that children could be swept out to sea by large waves or wakes from a passing shipping. We consider that large sea waves can and have historically swept individuals into the sea at many points along our coastline however we see this as a naturally occurring hazard and is a matter for public education. We see the likelihood of a child been swept from the pool into the sea as unlikely. I observed a number of passing ships including a large cruise ship and did not consider the wake from the ship to have any influence on the paddling pool once the tide had dropped to a sufficient level to make the pool usable.

The conclusion is unsound for the following reasons.  
Any casual day visitor to the beach will see vessels navigating in the estuary and causing no problems.  
The experience of regular visitors is different.

Following concerns raised by Lea Swann [proprietor of the cafe] and myself, Julian Parkes [Deputy Chief Harbour Master from the Port of London Authority] visited the beach on 24<sup>th</sup> June 2014.

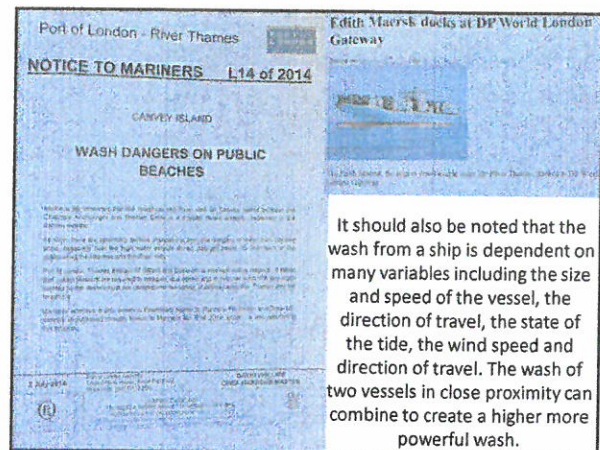
The PLA takes the issue of a ship's wash affecting the beach very seriously and the "Notice To Mariners L14 of 2014" was issued.

The Thames Estuary is controlled by the PLA and whilst there is no speed limit of Canvey Island's Beaches masters have to give regard to public bathing beaches in general.

We are able to contact the PLA direct and report ships causing a dangerous wash. The PLA will then take action. Most recently the NORSTREAM, a ferry service, was reported in May. The master was reminded of his obligations and had to submit a report to The Harbour Master on his return to Tilbury. Other vessels have been reported but only when Lea or myself are aware of the event.

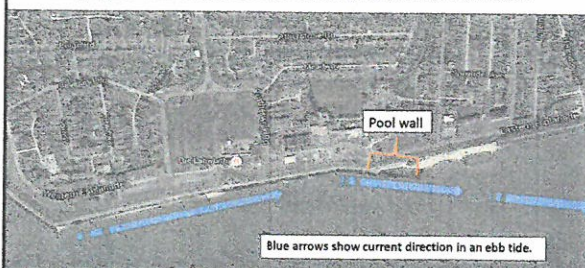
The report's author seems not to be aware that the main shipping channel has been dredged by an extra 4 metres to allow the world's largest container ships to berth at DP World Port upriver of Canvey Island.

The ships, including the large cruise ship, observed by the author are small compared to the Edith Maersk and Emma Maersk.



It should also be noted that the wash from a ship is dependent on many variables including the size and speed of the vessel, the direction of travel, the state of the tide, the wind speed and direction of travel. The wash of two vessels in close proximity can combine to create a higher more powerful wash.

A local retired fisherman who operated in the estuary has advised me that during the flood tide the strongest currents are in the shipping lanes in the middle of the river but during the ebb tide strong currents flow along Canvey seafront parallel to the shore. At the pool the current follows the old Dutch wall [submerged in the photo] and heads away from the beach. It is possible to observe the current at the wall as it flows over the western groyne. This should be also be considered as a risk factor.



**QLM Report: 4.6 page 6** "base of the pool appears to be a semi natural environment with a concrete base and applied shingle"

Before "re-generation" in 2008/9 the base was natural sand. The eastern groyne stopped long-shore drift. The back was de-stabilized by the use of a digger and it was decided to float concrete over the mud.





The cafe proprietor has advised me that additional lorries turned up with concrete and their load was dropped on the sand behind the cafe and allowed to find its own level. Before long it was covered with algae growth as shown.



The western end of the pool was similarly treated bringing the base of the pool level with the 'wall'.



On April 2<sup>nd</sup> 2015 [the day of the RoSPA inspection] 30 tonnes of pea shingle was spread on the concrete. Within three weeks 80% of it was washed away through the gap in the groyne made during the re-construction.



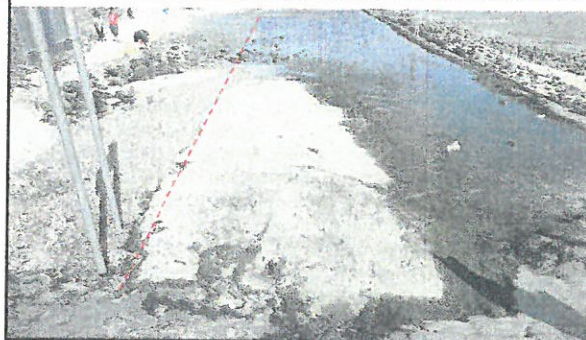
The day before the QLM inspection the Council arranged for the pool to be filled with sand covering the concrete but it too was being washed away in a few days.



The owner of the cafe was told the Council planned to replace the sand on a regular basis [every 2 weeks?] but this has not materialised. The photograph below shows the eastern end of the beach on 11-06-2015. The smaller photo shows the break in the groyne and the sand can be seen migrating to this exit.



This is the western end of the pool on the 11-06-2015. To the right the weed growth shows the base is level with the wall. The red dashed line shows the edge of the concrete as it extends to the concrete apron at the rear of the cafe. The rough edge shown on the next slide is a hazard.

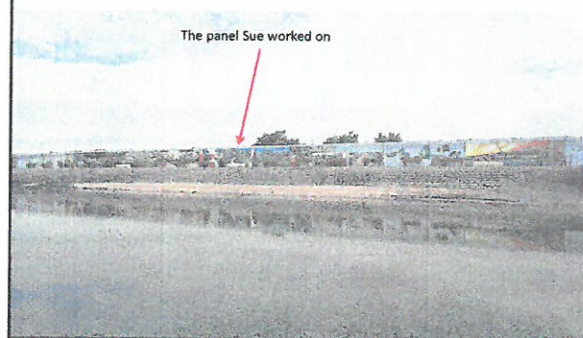


This slide shows the rough edge of the concrete base covering the rear of the pool, 11-06-2015. The shingle /sand placed by the Council has been washed away by the tide. This rough edge has cut and grazed the feet of many children. It is my contention that the QLM inspector did not see the true day to day nature of the base of the pool.

His suggestion that *"injuries are likely to be relatively minor such as injuries to toes on rocks and minor grazes through to the occasional broken bones"* are normal and acceptable with the present signage and an annual top up of shale is unacceptable.



The artist, Sue Pattle BA, who worked daily on the Flood Mural for twelve weeks last year has reported that she was aware of injuries to children on an almost daily basis: some of them quite serious.





8.5 page 10 "We were advised by the operational staff of the Borough Council that no accidents had been recorded."

That no accidents have been **recorded** may be true and the Council should maybe consider why not as the RoSPA inspector was of the opinion that the Council should have reported some of the accidents the council was aware of.

My experience is that about 50% of visitors to the beach live outside the Borough. As there is no signage on how to report accidents it is not surprising that some of the accidents have not been reported to the council.

All councillors will be aware that over the last five years I have made them aware of the dangerous nature of the pool and the people who have had accidents: as testified in the cabinet meeting of Sept 2010. Cllr B Egan, Fiona Vann and Mary Chalk to name but three.

8.5 Page 10 "We also have undertaken a review of local press reports and were also provided with historic press cuttings going back many years which have been collected by the local cafe owner. None of these indicate the events to have actually occurred that are cited in the RoSPA report. Had these serious events occurred we are certain that at least some would be recorded within the local press."



Did he really expect the cafe owner to advertise the fact that the pool next to her business is dangerous?



As pointed out earlier many people do not report incidents for one reason or another. Below is an email I received on the 17<sup>th</sup> March this year when the pool was again becoming a public topic.

Date: Tue, 17 Mar 2015 10:05:46 +0000  
From: Yvonne Keeling <y.keeling@yahoo.co.uk>  
Subject: Canvey Pool  
To: Andy Perry <andy.perry50@hotmail.com>

This is the second 'near miss' incident that could have led to a drowning.

Dear Colin

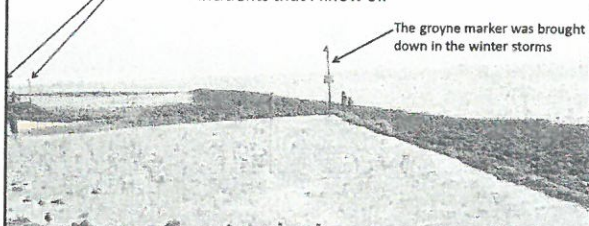
Just to confirm our earlier conversation, Last year I took my Granddaughter and Grandson to the beach for the day. They were walking around the pool, and my granddaughter decided to sit a watch a few people crabbing. When she slipped off the edge of the pool and was in the water on the sea side, in dangerously high water. Fortunately a young man, a complete stranger to us, jumped in the water and dragged my granddaughter up on to the wall. Without this young mans help my granddaughter would have been in serious trouble.

Regards  
Mrs Yvonne Keeling

**QLM Report: 6.4 page 8** The report says of a fence as a barrier, "the fence becomes fully submerged during high tide with the remote possibility of hazards with inshore recreational activities".

If Castle Point Borough Council got around to replacing the end of groyne navigation marker brought down in the earlier winter storms the groyne and any railings would be identified!

The old pool has always had three markers and there have been no incidents that I know of.



21-10-2014 The groyne marker on the eastern corner of the pool was brought down in the gales. I rescued the top green cone from the mud flats and it was eventually taken by the Environment Department. The marker was never replaced nor the post hole in the groyne filled in.



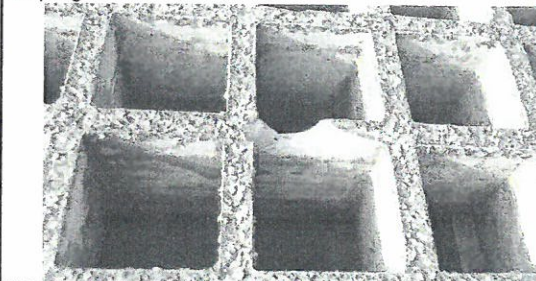
**QLM Report: 9.3 Page 10** The report says the outer seaward wall need not be fenced off comparing it to other examples of hazardous areas.

Canal lock	
Canal tow path	
Marine pontoon	
Harbour jetty	
Railway station platform	
Grass bank next to hill walk	
Paddling pool	

How many would you describe as a children's play area?

Only in a Paddling pool would a responsible parent let a child play supervised from a distance. The paddling pool is a Castle Point Borough Council's play facility and we should make it as safe as is practical. Anything less is wanton neglect.

**QLM Report : 6.5 Page 5** The report recommends a pontoon style walking platform of grated material already used elsewhere close by the pool. The grated material is not a walkway but the covering to an Environment Agency pump discharge channel. The PLA advises that they have no such walkways within their jurisdiction and regard them as a trip hazard; especially for small bare feet. The material is fibreglass and it chips leaving sharp edges.





I therefore call upon the Council to follow RoSPA's recommendations and bring the new pool up to the same standard as the old pool when they handed it over to Canvey Island Town Council .

- In the five years I have been walking my dog and working on Concord Beach as a volunteer I have never witnessed or been made aware of a single accident to children in the new pool. It is an excellent template to protect our children from harm and our Council from litigation.

