



Purpose: For Decision

Committee report

Committee	CABINET
Date	14 JANUARY 2021
Title	BEACH MANAGEMENT STRATEGIC FRAMEWORK 2021 TO 2026
Report of	CABINET MEMBER FOR ENVIRONMENT, HERITAGE AND WASTE MANAGEMENT

EXECUTIVE SUMMARY

1. This report presents the new Beach Management Strategic Framework 2021 to 2026; it sets out the context for its development and provides an overview of the work and benchmarking undertaken to inform the framework.
2. Members are asked to adopt the framework either in full or as amended which has no direct financial implications.

BACKGROUND

3. As part of the council's 2019/20 internal audit programme an audit of the processes and procedures in place to manage Water Safety was undertaken. This took place in April and May 2019 with the final report being issued on 24 July 2019; the report is referenced as a background paper.
4. The audit had five findings (exceptions) with a total of 9 actions required across these; all of these were assessed as either a low or medium risk and to date four of the five findings and eight actions have been satisfactorily resolved and signed off. The ninth action set out in the audit was as follows: -

Exception

While there is no statutory requirement to provide water safety equipment/services these have always been provided by the Council, although the level of provision has reduced in recent years, for example lifeguards are no longer directly funded by the Council.

In part services are provided to meet residents' expectations but the most relevant of the objective in the Corporate Plan is to support the Island in being a 'leading UK visitor destination'. However, although the need for this area to be fleshed out in a

strategic document has been recognised by the Council; a suitable strategic framework does not currently exist.

Risks and Consequences

Without a clear understanding of why and where services are being provided these may not fully align with the Council's strategic objectives, as set out in the Corporate Plan. Potentially there could be over provision in some areas, incurring unjustified costs for the Council and/or under provision on other areas, adversely impacting on the Council's strategic objectives. Ultimately, without an appropriate strategic framework, the Council will be less likely to achieve VfM from its investment in water safety.

Agreed action

The Council will develop an appropriate strategic framework, setting out what it wants to achieve from its water safety services, why, specifically supporting the strategic objective for the Island to be a 'leading UK visitor destination' and how success will be measured.

5. In response to the audit findings officers have been working on the development of a draft Beach Management Strategic Framework; this covers the following areas: -
 - Beach and slipway cleaning
 - Beach safety
 - Beach awards
 - Bathing Water quality
 - Beach and seafront concessions
6. The draft framework sets out existing levels of service provision, standards and monitoring across the above areas; these have been developed over several years and reflect available revenue budgets.
7. It is evident from the audit finding that additional work is needed in relation to beach safety and equipment and this is reflected in the action plan. The identified actions are to: -
 - Review all safety equipment and signage
 - Review the need for marker buoys
 - Benchmark safety services against other south coast authorities
 - Investigate personal watercraft policies for other south coast authorities
 - Investigate the need for an islandwide safety policy/byelaw
8. In relation to the first two actions the Royal National Lifeboat Institution (RNLI) has been consulted and agreed their engagement as subject matter experts to undertake beach safety audits; this will include a full review of all current facilities on site such as safety equipment, signage, railings, slipways etc. The audits will comment on the adequacy of existing provision, review control measures and provide recommendations for any changes to the existing arrangements.
9. The RNLI will provide the audit service at no cost to the authority and the council is awaiting dates for the site inspections; whilst it was anticipated these would be complete before Christmas 2020 this has been delayed by Covid-19 restrictions.

10. If the site audits identify a need for the provision of additional equipment, signage and/or marker buoys at any location this would potentially represent a significant additional cost to the authority both in term so initial provision (Capital) and future maintenance (revenue). As there is not budget provision additional infrastructure for a capital bid would need to be submitted.
11. The continued delay in undertaking the audits will impact the ability to provide marker buoys in time for the 2021 bathing season; however, it should be noted that concerns and complaints were received during the 2020 bathing season regarding the safety of bathers particularly at Colwell Bay and Sandown Bay.
12. Marker buoys were previously located at Sandown, Yaverland, Shanklin, Bembridge, Wootton, Totland and Colwell; whilst they would assist in the implementation and management of the Pleasureboat Byelaw it should be noted that the authority does not have a duty to provide them and does not have resources to actively manage compliance.
13. It is therefore proposed that the provision of marker buoys is investigated in advance of the receipt of the RNLI beach safety audit reports; this will necessitate a request for the estimated capital and revenue costs to be included in the Medium Term Financial Plan due to be considered at Full Council in February. If agreed, officers can then formally tender the service and ensure they are in place for the 2021 bathing season.

STRATEGIC CONTEXT

14. The introduction of the beach management strategic framework will support the delivery of the outcomes set out in the corporate plan 2019-22, it will assist the council in being financially balanced and viable. It also contributes to being effective and efficient in everything we do and ensuring everyone is treated equally.
15. Delivery of the items in the action plan will ensure that all of the council owned, and leased beaches will be managed to the same consistent high standard and accordingly will contribute to the Isle of Wight being a leading UK visitor destination.

CONSULTATION

16. The deputy leader of the council and cabinet member for Environment, Heritage and Waste Management have been consulted on the draft strategic framework; however no public consultation has taken place as the framework essentially sets out existing service provision, standards and monitoring arrangements.
17. As items on the action plan are developed consultation will be undertaken with elected members as well as town and parish councils for the areas potentially impacted by any changes in service provision.

SCRUTINY COMMITTEE OR PANEL VIEW

18. The draft framework is due to be discussed at Policy and Scrutiny Committee for Neighbourhoods and Regeneration on 7 January 2021; officers will provide a verbal

update on the committee's views on the delivery plan and the recommendation contained within this report.

FINANCIAL / BUDGET IMPLICATIONS

19. There are no direct financial implications from agreeing to accept the draft beach management strategic framework. As indicated in paragraph 11 of the report the beach safety audits being carried out by the RNLI are at no cost to the council.
20. If agreed as drafted, the Strategic Framework will inform and shape the future provision of all aspects of beach management across the island and this may have future financial implications in terms of expenditure and income. The level of financial resources required to deliver the necessary actions arising from plan are yet to be identified and will be dependent upon the independent audits of each location.
21. If the site audits identify a need for the provision of additional equipment, signage and/or marker buoys at any location this would potentially represent a significant additional cost to the authority both in term so initial provision (Capital) and future maintenance (revenue). As there is not budget provision additional infrastructure for a capital bid would need to be submitted.

LEGAL IMPLICATIONS

22. The council has a legal interest as lessee/owner of thirty-five beaches which are identified within the Strategic Framework.
23. As owner of the beaches/foreshore the council also owes a duty of care to all lawful visitors attending their beaches under the Occupiers' Liability Act 1957. The council's duty is to ensure that those visiting our premises and/or land are kept reasonably safe. To ensure we are maintaining the standard required to meet that duty, the council needs to ensure the appropriate inspection programmes, maintenance programmes, risk assessments and reporting procedures are in place. The duty is extended in some limited circumstances to persons other than lawful visitors by virtue of the Occupiers Liability Act 1984.
24. In addition to the duty of care identified above, the council also has a number of obligations placed on it by virtue of the lease with the Crown Estate. These legal obligations are set out in Clause 3 of the lease and include (but are not exclusive to) the Council keeping all works (e.g. maintenance or drainage repairs) on the premises in good repair and condition, as well as keeping the beaches clean, tidy and free from debris (including dead fish). Other salient obligations include the restriction of driving on the beaches/foreshore, unless authorised by the landlord and also prohibition of digging for bait.

EQUALITY AND DIVERSITY

25. The council as a public body is required to meet its statutory obligations under the Equality Act 2010 to have due regard to eliminate unlawful discrimination, promote equal opportunities between people from different groups and to foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are age, disability, gender reassignment, marriage

and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

26. At this stage there are no implications; however, the implementation of the action plan will require the council to consider its statutory obligation under the Equality Act and undertake impact assessments as appropriate.

OPTIONS

27. The following options have been identified: -

Option 1 – Adopt the draft beach management strategic framework attached at appendix 1, including the action plan for beach safety, and produce/publish the final plan.

Option 2 – Propose amendments to the draft beach management strategic framework and/or action plan for beach safety, and produce/publish the final plan

Option 3 – Not to adopt the draft beach management strategic framework

Option 4 – Investigate the provision of marker buoys in advance of the RNLI safety audits subject to funding being agreed in the 2021/22 Medium Term Financial plan.

RISK MANAGEMENT

28. There are no risks directly associated with adopting the draft beach management strategic framework; however, as each point in the action plan is developed and implemented there will be risks associated with the level of resources required to deliver. This is both in terms of officer time and budget and is irrespective of whether it is revenue or capital.
29. If the beach management strategic framework and action plan is not adopted, then the council cannot evidence that the current provision of beach safety equipment is at the correct level and it is achieving value for money from its investment. Additionally, it will not have a mechanism for researching and implementing new islandwide polices to ensure a safe and consist approach to all aspects of beach and waters safety.

EVALUATION

30. The draft beach management strategic framework has met the requirements of the audit finding and provides members and officers with information on service delivery, standards and monitoring.
31. The delivery of the action plan will ensure that resources are effectively deployed and that there a consistent level of safety equipment and signage that reflects identified needs as evidenced through independent audits.

RECOMMENDATION

32. It is recommended that the Cabinet adopt options 1 and 4 and that it agrees: -

Option 1 – Adopt the draft beach management strategic framework attached at appendix 1, including the action plan for beach safety, and produce/publish the final plan.

Option 4 – Investigate the provision of marker buoys in advance of the RNLI safety audits subject to funding being agreed in the 2021/22 Medium Term Financial plan.

APPENDICES ATTACHED

- Appendix 1 - Draft Beach Management Strategic Framework, 2021 to 2026

BACKGROUND PAPERS

- Internal Audit report IWC 1920-002 – Water Safety

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