

Committee: Cabinet

Date: 24 February 2020

Exempt or confidential report

The following paragraph of Part 4b Section 10 of the constitution applies in respect of information given in **Appendices 1 and 2** of this report and they are therefore exempt from publication. Members and officers are advised not to disclose the contents of this report:

Information relating to the financial or business affairs of any particular person (including the Authority holding that information).

Wards: Wimbledon Park

Subject: Open Water Swimming

Lead officer: Christine Parsloe, Leisure & Culture Development Manager

Lead member: Councillor Cooper-Marbiah, Cabinet Member for Commerce, Leisure and Culture

Contact officer: Christine Parsloe, Leisure & Culture Development Manager

Recommendations:

- A. Approval in principle, and subject to all approvals being met, to allow Swimbledon, Open Water Swimming Group, to have access to Wimbledon Park Lake for the purposes of Open Water Swimming, subject to them becoming a formally constituted body and able to meet all of the council's operational, financial, legal, insurance, risk, health and safety, etc. considerations, as set out in Option B, Table 2, of the alternative options.
 - B. Give authority to the Director of Environment and Regeneration, in consultation with the Cabinet Member for Commerce, Leisure and Culture, to use his delegated authority to agree detailed terms for Wimbledon Park Lake to be used for the purposes of Open Water Swimming should the principle be agreed by Cabinet.
 - C. Give authority to the Director of Environment and Regeneration, in consultation with the Cabinet Member for Commerce, Leisure and Culture, to use his delegated authority to issue a statement to clarify the council's intended prosecution policy by indicating that the Council would not consider it in the public interest to prosecute persons swimming in accordance with the rules of this licensed scheme during the trial period.
 - D. Approval for the Director of Environment and Regeneration, in consultation with the Cabinet Member for Commerce, Leisure and Culture, to consider Swimbledon's full proposal and determine whether or not the activity is able to go ahead.
 - E. Approval is given for a trial period for the summer period of 2020 so that the suitability of this activity at this venue can be further considered.
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1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

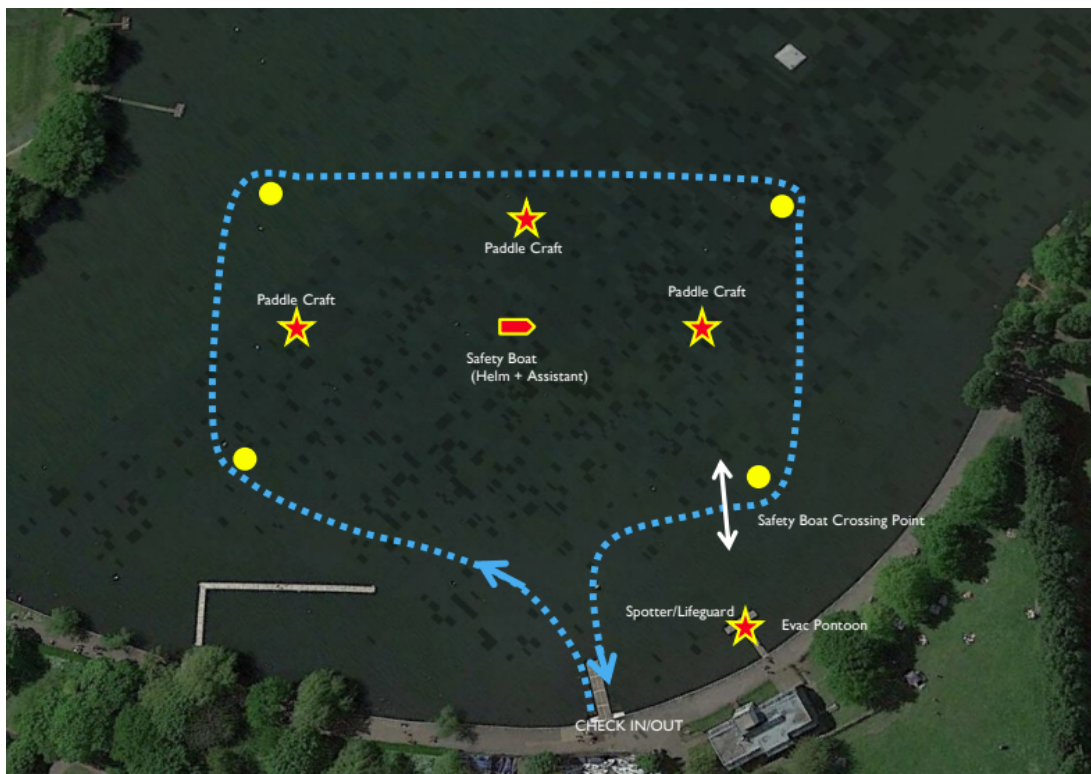
- 1.1. To approve a trial period of open water swimming in Wimbledon Park Lake to be delivered by a local open water swimming group, Swimbledon, to take place this summer and in so doing give authority to the Director of Environment and Regeneration, in consultation with the Cabinet Member for Commerce, Leisure and Culture, to determine whether or not the activity is able to go ahead having given due consideration to Swimbledon's detailed proposals and authority to undertake all necessary actions to enable the activity to happen.

2 DETAILS

- 2.1. Earlier this year a group of local people came together to progress bringing open water swimming to Wimbledon Park Lake. Since that time they have:
- 3,000 people in support of their proposals via an online petition
 - Talked to open water swimming agencies
 - Visited and talked with other providers of open water swimming
 - Carried out water quality testing
 - Planned a 400m route within the lake
 - Developed a self-financing business plan
 - Met with the Leisure & Culture Development Manager to discuss their proposals
 - The use of the lake and adjoining land should be documented setting out the arrangement between Swimbledon and the Council this can be done by either by granting a licence or a lease to Swimbledon
 - However, there are, as a minimum, some significant issues that would need to be overcome should this be an activity that the council wishes to allow in this lake:
 - The Byelaws for our Parks and Open Spaces do not allow swimming
 - The bottom of the lake is heavily silted
 - There are risks from other activities such as fisherman's hooks and lines
 - The ecology of the water space which is the home to fresh water mussels and European eels as well as birds and fish
 - The lake suffers from growth of water weed which has caused problems for the Watersports centre and they regularly have to cut and remove in order to do sailing and kayaking, etc. The weed regularly wraps around the motor on the power boat
 - Insurance liabilities and operational matters such as opening the park, toilet and changing facilities, staffing, water quality testing, etc.
 - If open water swimming is allowed at certain times would this encourage others to swim at other times and if this did occur how it would be regulated to stop this infringement?
 - The impending Reservoir Safety work which, according to current research and proposals expects that the water level will need to be dropped by 330mm.
- 2.2. Before the group spend more time and their own resources on progressing this proposal it is important to determine if the Council as landowner would be willing to allow this activity on their site and if so what would be the terms of use.

- 2.3. Swimbledon have engaged with SH2OUT and SwimSafety and they have attended the site and carried out their preliminary Assessment of the Lake. Both agencies have advised Swimbledon that they see it as an “**excellent**” venue for conducting **safe** open water swimming.
- 2.4. Futhermore, these agencies have agreed, in principle, to provide full risk assessment on a cost recovery basis, subject to the successful implementation of Swimbledon in 2020. Their respective fees for risk assessment services and for appropriate staff / volunteer training should equate to no more than £1,500 (subject to a full statement of work being outlined). Swimbledon would fund this through their business plan. It is noted that the council would also need to carry out their own independent risk assessment as part of the evaluation process as to whether the activity can go ahead.
- 2.5. Swimbledon collected water samples from the lake on 2nd June and sent them to engaged SwimSafety to carry out water quality analysis. The Water Quality Sampling Results Certificate is attached as Appendix 1 (exempt). The findings were that the samples provided ‘Pass Guideline’ the EC Bathing Water Directive (76/160/EEC) and ‘Pass Excellent’ for the EC Bathing Water Directive (2006/7/EC) (for inland waters).
- 2.6. Swimbledon have visited the site and with the assistance of a member of staff at the Watersports centre have been able to carry out some current depth checks and plan a proposed circuit for Open Water Swimming:

Figure 1: Swimbledon proposed route and safety model



- 2.8. Swimbledon advise that they consider this route to be sufficiently deep and a long enough stretch of water for their outdoor swimming proposal. They consider that the swimming activity can be safely supported using their own

trained and qualified staff using boats and paddlecraft. However, at this time they have assumed they would be able to use council owned fleet including power rescue boats, which the Council would not be able to agree to. Swimbledon would also need to source, fund and provide security staff, should these be required.

- 2.9. Local people who are already open water swimmers take part in this activity at venues that currently have this on offer. They include:

Table 1: Open water swimming venues within 15 miles of Wimbledon Park

Location	Summary Details
Beckenham Palace Lake – 11.5 miles	https://lewisham.gov.uk/inmyarea/regeneration/improvements-to-parks/beckenhampalacepark/the-lake-in-beckenham-palace-park Lake is 285m long and 48m wide. It is 3.5m deep at its deepest level. No changing facilities. Opened first in summer of 2019 and had to close almost immediately due to health and safety concerns due to volumes of users. Area was fenced off in order to put in necessary health and safety controls. Lifeguarded during use. Security has also been put in place. No dogs are allowed in the water at any time.
Hampstead Heath Ponds – 11.5 miles	https://www.cityoflondon.gov.uk/things-to-do/green-spaces/hampstead-heath/swimming Bathing ponds (men’s and ladies) and the Parliament Hill Lido. The bathing ponds are the only lifeguarded open water swimming facilities open to the public every day of the year. The Lido is uncovered and unheated, measuring 27m wide by 60m long. Toilets available in wider park. No lockers. Opening times, usage and charges vary. All income goes towards maintaining these facilities. Fenced. No dogs allowed in the water at any time.
Hampton Open Air Swimming Pool – 8.5 miles	https://www.hamptonpool.co.uk 2 pools, 1 x 36m and learner pool 7m x 12.5m. Temperature 28 degrees. Open all year round. Prices range from an adult peak ticket at £7.60 to season tickets and saver books (£4.76 per swim). No other water uses. Securely locked to prevent unauthorised access. No dogs allowed in the water at any time.
London Royal Docks Open Water Swimming – 14.3 miles	https://www.londonroyaldocksows.co.uk/ Summer season 29 th March to 30 th September. 3 weekday evenings and both weekend mornings. Need a NOWCA safety wristband (annual fee £12) to swim. Cost Pay as you go £8 summer season and £10 winter season. No dogs are allowed in the docks area.
Serpentine Lido	https://www.royalparks.org.uk/parks/hyde-park/things-to-see-

<p>- 6.9 miles</p>	<p>and-do/sports-and-leisure/serpentine-lido</p> <p>It is open on weekends throughout May (including the May Day Bank Holiday) and seven days a week from 1 June to early September.</p> <p>Open water swimming in The Serpentine in area 30m x 100m</p> <p>The Serpentine Lido is open from 10:00 am - 6:00 pm (last entry 5:30pm) every day in June, July and August.</p> <p>During May it is only open on weekends and Bank Holidays.</p> <p>The Serpentine Lido closes on the first weekend in September, but may open at weekends in September only if the weather is good. Due to the British weather these openings can be closed at short notice, so visitors are advised to check before travelling.</p> <p>Adult - £4.80 (£4.10 after 4pm)</p> <p>Concessions - £3.80 (£3.10 after 4pm)</p> <p>Child - £1.80 (£1.10 after 4pm)</p> <p>Family Ticket - 2 adults and up to 2 children -£12.00 (£9 after 4pm)</p> <p>Under 16s must be accompanied by an adult. 2 adults to every 1 under 16 if customers are using the lake.</p> <p>No dogs allowed in the water at any time.</p>
<p>Shepperton Lake</p> <p>- 14.2 miles</p>	<p>https://www.sheppertonopenwaterswim.co.uk</p> <p>25 acre site. Privately owned and operated. Water depth greater than 20 feet deep. No fishing. Arrangement with local sailing club to use club house for toilets and changing.</p> <p>Operates: Apr/May to Sept/Oct when water is 12degrees or higher. Secure site. Cost £5 per session cash including parking, changing & showers. Open 3 mornings and 4 evenings per week. Dogs on lead policy being reviewed at the moment due to bagged mess being left around. Dogs not allowed in the water.</p>
<p>Tooting Bec Lido</p> <p>- 4.1 miles</p>	<p>https://www.slsc.org.uk</p> <p>Largest fresh water pool in England. 100 yards long and 33 yards wide. Water clear and cold. Public opening 1 May to 30 Sept. SLSC Club members swim all year round. Prices vary. Operated by LB Wandsworth and Places for People. No other water uses. Securely locked to prevent unauthorised access.</p> <p>No dogs allowed in the water at any time.</p>
<p>West Reservoir</p> <p>- 12.9 miles</p>	<p>https://www.better.org.uk/leisure-centre/london/hackney/west-reservoir-centre</p> <p>23 acres of water in a 30 acre site. 3.5-4.0m minimum depth. No fishing, fresh water mussels, dogs on site. Open May to autumn. 2 Weekday evening sessions and both weekend days early morning. Operated by Better for LB Hackney. All</p>

	swimmers must have undertaken an induction before taking part. Wet suits are mandatory. Costs: Members £5 per swim and Non-members £10 per swim. No dogs are allowed on reservoir lands.
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2.10. Swimbleton wish to:

- Carry out early morning (06:30 - 08:30) outdoor swimming activities from May through to Sept on two week days and one day at the weekend to start with
- They wish to create their own Swimbleton course of c400m as outlined in Figure 1
- They would be supported by their own trained volunteer staff and would not require any council staff to be in attendance
- Pay, their own Swimbleton suitably qualified safety personnel
- Establish and gain council approval for their own Swimbleton Standard Operating Procedures.
- Use council owned watercraft to support their activities (subject to council approvals)
- Pay the council for the use of equipment and for the use of the lake, so that as a minimum there is no net cost to the council for this activity and that Swimbleton also pay a fee to the council for the time that the waterspace is used
- To start small, limit the ages and number of swimmers and then grow in a controlled and contained way

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ALTERNATIVE OPTIONS

Table 2: Alternative Options Considered

	Option	Likely Outcome
A	Reject proposal	Significant disappointment, frustration and likely continued campaigning and lobbying by the local community as they will feel that they have carried out appropriate due diligence in progressing their proposal
B	Swimbleton to deliver a proposal for implementation May 2020	This will require significant amounts of work across the whole council to ensure that what they propose would be able to be implemented and acceptable to the council. Details on how this would work would need to be scoped out in advance in order to manage expectations on both sides.
C	Work with Swimbleton to deliver a proposal for implementation once the Reservoir Safety Act project has been implemented - May 2022	This will require significant amounts of work across the whole council to ensure that what they propose would be able to be implemented and acceptable to the council. Details on how this would work would need to be scoped out in advance in order to manage expectations on both sides. This allows more time to develop and would do so

		<p>knowing what the final depths of the lake might be.</p> <p>It could also result in the proposal being rejected later should the depth no longer be sufficient.</p> <p>Significant disappointment, frustration and likely continued campaigning and lobbying by the local community who will feel appropriate due diligence has been conducted.</p>
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4 CONSULTATION UNDERTAKEN OR PROPOSED

4.1. Swimbleton have been carrying out public and community engagement and consultation in order to gauge whether or not there is sufficient support and potential user numbers to create a viable self-funded sustainable open water swimming offer.

4.2. Table 3 below provides an outline summary of the organisations they have consulted thus far and includes some who bring professional and community-led business interest as well as those who may be users.

Table 3: Outline summary of consultation and engagement

Who	Expertise	Interests
<p>Swimbleton https://www.swimbleton.co.uk</p> <p>Group of local volunteers in the community representing c. 3,000 respondents to their facebook petition Not all of these are necessarily local people who are interested in taking part in open water swimming in Wimbledon Park Lake</p>	<p>Open water swimmers, triathletes, active lifestyle interest residents and southwest Londoners.</p>	<p>Want local resources to be better used.</p> <p>Would incorporate as a Community Interest Company, ensure part time staff are appropriately trained and paid.</p> <p>Manage the open water swimming operation as a whole.</p>
<p>SH2OUT (A partnership between British Triathlon and the Royal Life Saving Society) https://www.sh2out.org/</p> <p>UK triathletes provide best practice advice and guidance to communities for open water swimming.</p> <p>No1 UK recognised organisation for best practice in the prevention of drowning in open water.</p> <p>(RLSS: https://www.rlss.org.uk/)</p>	<p>Life-saving standard operating procedures for open water swimming.</p> <p>Risk assessments for open water swimming venues</p>	<p>Not-for-profit partnership dedicated to getting people to be more active.</p> <p>Semi-commercial and mission driven.</p> <p>This group could become an invaluable long term partner to support best practice safety systems and standard operating procedures.</p>

<p>SwimSafety</p> <p>Company established to provide specialist advice and guidance.</p> <p>Experts in running, managing and training open water swimming staff.</p> <p>Have an operational model for water quality testing for outdoor swimming</p> <p>https://swim-safety.co.uk/</p>	<p>Unique capability / for training 'paddle craft' safety staff especially Kayakers and stand-up paddle board staff who support open water swimmers</p>	<p>Commercial and mission driven.</p> <p>This group could become an invaluable long term partner to support best practice safety systems and standard operating procedures.</p>
<p>Local Community Organisations consulted:</p>		
<p>The Wimbledon Club</p>	<p>Friends of Wimbledon Park</p>	
<p>The All England Lawn Tennis and Croquet Club</p>	<p>Wimbledon Park residents associations</p>	
<p>The Wimbledon Park Angling Club</p>	<p>Southfields residents associations</p>	
<p>Capability Brown Society</p>		

- 4.3. Wider local community engagement has been significant through online engagement including a petition, social media posts and a video produced specifically for this purpose <https://youtube/XsoNPQUq8iM> This video has been viewed by more than 1,200 times.
- 4.4. Wimbledon has the volunteer support of an experienced market researcher. Wimbledon is currently conducting a quantitative and qualitative local community survey to assess and evidence many of the working assumptions behind their business plan. In particular they are aiming to better understand:
- Level of community support to staff the initiative
 - Actual willingness to swim in a silted lake vs the other local options
 - The business model and proposed fees
 - What are the primary concerns amongst key stakeholders and existing lake users.
- 4.5. The lake is spring fed and in turn feeds into the Wandle, which is understood to have restrictions governing environmental impacts. The Environment Agency have been consulted on the current proposal and have advised that there is no requirement to gain a licence/permit from the Environment Agency to allow a waterbody to host open swimming, however should the council in the future wish to allow wider bathing in the lake they should consider applying to the Environment Agency to make it a designated site for bathing and then the Environment Agency would be involved in the water quality testing process. The Environment Agency

have also offered, and the council accepted, carrying out some water quality testing to check the suitability for swimming at this time.

5 TIMETABLE

Table 4: Indicative Implementation Timetable

When	What
Currently	Swimbleton continuing to develop their business plans and operational procedures, etc.
24 February 2020	Cabinet consider report on Outdoor Swimming Proposal
By 28 February 2020	Feedback to Swimbleton so they can take the next steps and work with council officers to finalise proposals
31 March 2020	Swimbleton update all of their proposals and submit to council for consideration
Mid April 2020	Director of Environment & Regeneration in consultation with Cabinet Member for Commerce, Leisure and Culture take a decision on whether or not Swimbleton proposals are 'fit for purpose' and advise of next steps
May / June 2020	Swimbleton, once they have approvals commence delivery of Open Water Swimming providing no preparatory work for the Wimbledon Park Lake Safety project is required at this time
May to Sept 2020	Swimbleton monitor the delivery of their activities.
Autumn 2020	Swimbleton produce report on the outcomes of their trial and present these to the council for further consideration.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. Swimbleton have produced their draft business plan to ensure that they can fully fund their proposals and are talking with agencies and local people to bring this to a reality. Their proposal contains a blend of annual membership (40 members pre-launch and another 50 mid way through the season) and pay per swim (a model proven at other venues). Swimbleton also propose that they would pay a modest annual return to Merton for the use of the facilities. Swimbleton's full operational and financial budget is attached as Appendix 2 (exempt). Please note: This budget is still being developed by the group and currently includes a large event, which the council might not want to allow at this time.
- 6.2. Swimbleton believe that they can initiate and sustain their own set-up costs and associated part time staff operating costs, but would require Merton to support via use of property / resources / assets / staff for nominal costs, including:
- Access to Merton Watersports facilities for viewing / monitoring swimmers and providing a necessary evacuation point
- Note: The council would not be able to agree to this request**

- Use of Merton Watersports power driven safety boat, paddle craft, e.g. Kayaks and Standup paddle boards

Note: The council would not be able to agree to the use of their power driven craft, but would be willing to work with the group to allow them use of suitable paddle boards

- Use of staff

Note: The council would not be able to provide staff or other resources, save for the use of paddlecraft and would need to see the group's proposals that do not require this support

- 6.3. Throughout the discussions with Swimbleton there was never any suggestion that they would wish to use any council resources except for the use of the lake and early morning access to the park, but their current proposals now include the use of paddle craft, kayaks, power boats and the use of the Watersports Centre for viewing. This room is the centre's working office, to which no groups have access, unless there are centre core staff in. The rest of the time the office is locked and bolted as all records that are kept in this room are not for public access. Access to this building then includes toilets, kitchen and changing facilities – none of which is let out to any other group due to the Statutory Duty functions on that service unit.
- 6.4. The council will need to ensure that Swimbleton has its own appropriate insurances and the council would have to determine whether it needed to increase its own insurance levels for this activity. If there are any additional costs to the council for insurances then Swimbleton would need to fund those additional costs, so that there is no additional costs to the council for this activity.
- 6.5. The council will establish charges with Swimbleton for the use of equipment and the lake, etc. so that as a minimum in this trial period there is no cost of this activity to the council.
- 6.6. Following the trial period Swimbleton would be required to pay the council a more commercial fee for this activity and the use of equipment.
- 6.7. Should this activity become viable in this location the council would wish to develop this opportunity for more commercial events such as triathlon, aquathon, etc.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. Merton Council byelaws for public walks, pleasure grounds and open spaces September 1992 ("Ornamental lakes, ponds, streams any other waters") made by the council under section 164 of the Public Health Act 1875, Sections 12 and 15 of the Open Spaces Act 1906 and Section 15 of the Open Spaces Act 1906.

Byelaw 10 states:

“No person shall in the pleasure ground:-

(i) bathe, wade or wash in any ornamental lake, pond, stream or other water or areas set aside for toy boats:...”

- 7.2. These byelaws were last updated in September 1992 and would need to be updated should Merton wish to allow Open Water Swimming in Wimbledon Park Lake. Wimbledon propose that the council consider following the Department for Communities’ and Local Government guidance for simplifying The Byelaws (Alternative Procedure) (England) Regulations 2016.
- 7.3. Should Merton decide to progress with this proposal legal advice would need to be taken as to what changes would need to be made to the byelaws and how best to progress in line with the council’s legal responsibilities. Ideally it may be preferable for the somewhat antiquated byelaws to be reviewed as a whole on a Council-wide basis, rather than a limited amendment to byelaw 10.
- 7.4. The process for amending byelaws is likely to take at least 9 months and would not be in place for this trial. It is therefore proposed that the Council issue a statement to clarify its prosecution policy by indicating that the Council would not consider it in the public interest to prosecute persons swimming in accordance with the rules of the scheme during the trial period.
- 7.5. As an occupier of land Merton will owe a legal duty of care to take reasonable precautions to ensure the safety of visitors to the land under the Occupiers’ Liability Acts of 1957 and 1984.
- 7.6. The Occupiers Liability Act 1957 sets out the duty of care in relation to anyone coming on the land with permission. Section 2 requires the occupier to take reasonable steps to ensure the safety of its visitors by warning of any dangers. This warning must be sufficient to allow the visitors to be reasonably safe from any special dangers that a person would not usually come across when swimming. If there are unusual or special risks that would not be obvious to a reasonable person, then it would be Merton’s duty to make visitors aware of those unusual /special risks e.g. by using notices. Under Section 2(5) this risk does not extend to risks willingly accepted by the visitor. Merton would not be liable for an injury resulting from a risk willingly undertaken by an adult swimmer but this might not be the case with young children as the duty is particularly onerous where children are concerned.
- 7.7. The Occupiers Liability Act 1984 extended the duty of care so that it also applies to trespassers.
- 7.8. Merton also has a Statutory Duty to keep a register of prescribed matters under The Reservoirs Act 1975 (Registers, Reports and Records) (Amendment) Regulations 1985 as Wimbledon Park Lake is classified as a

“large raised reservoir” as it is capable of storing more than 25,000 cubic metres of water above the natural level of any part of the surrounding land. A project is underway to ensure that the council meets its statutory duties and that will be implemented over the next two years. The early modelling for solutions to the risks identified include reducing the water levels in the lake by 330mm. This will inevitably have an impact on all current recreational uses and would have an impact on any open water swimming should that be progressed.

- 7.9. Should Merton decide to progress with this proposal, legal advice would need to be taken in order to grant a licence to Swimbledon. A licence is a personal right to use land according to the terms of the licence. It is a less formal arrangement than a lease and usually suitable for short periods of one year or less a longer period may be interpreted as a lease, which could give Swimbledon security of tenure.
- 7.10. The Council should be satisfied that there are full insurance arrangements in place to cover the proposed activities.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. Swimbledon is a community-led initiative and will connect people across the community who share a common interest and passion for being in the outdoors, working together to make best use of our local environment and educating and informing others about what it has to offer.
- 8.2. Swimbledon propose to design and implement an appropriate and mandatory ‘lake induction’ with every new swimmer to the lake’; to educate swimmers about the risks and hazards involved, but also about the lake environment and ecology itself.
- 8.3. Swimbledon advise that following their consultation with the local stakeholders and residents in the area, they believe that there is an overwhelming amount of support for this initiative. Specifically focusing on the local residents, the SGRA, FoWP and WPRA endorse this idea (these letters are linked to Swimbledon.co.uk).
- 8.4. Swimbledon also note that many community comments from the petition acknowledged the lack of public swimming facilities in the area and how it would be such a shame not to make the most of such an amazing lake and also the health benefits surrounding cold water exercise.
- 8.5. Swimbledon advise that this initiative has received strong support from many local businesses and service organisations who see the footfall as a potential source of income.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. Swimbledon advise that they are aware of impromptu recreational swimming occurring in the Lake - often at busy times of the Summer (e.g. during the Championships). Such unsupported, uneducated swimming has, on occasion, led to injuries and disputes between park users and Merton

staff. Swimbleton proposal is for open water swimming to take place outside of core park hours to distract from copycat style disorderly activity.

- 9.2. It is unlikely that the introduction of open water swimming will have any positive effect on distracting those that choose to enter the water at their own risk at certain times of the year. What could conceivably happen is that local people know that swimming is allowed at certain times and therefore choose to enter the water at other times. This could result in increased numbers of people trying to swim when it is not considered safe to do so.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1. The council has a number of concerns that would need to be addressed by Swimbleton in order to ensure that all risks are appropriately being mitigated and/or managed. This is not intended to be a definitive list, rather matters that typify the concerns and risks that will need to be addresses and these include:

- Requirements of users swimming in water with a silt bed
- Requirements of users swimming when waterweed is more prevalent
- Promotion of their sessions, whilst not encouraging 'copy-cat' outdoor swimming use at non-approved times
- Swimbleton membership ceasing swimming immediately should the council issue an instruction for this to happen.

- 10.2. Swimbleton advise that they will be able to provide appropriate insurance for the open water swimming activity indirectly via British Triathlon or alternative recommended third party underwriters who work with SH2OUT and SwimSafety, However the council's insurers will need to consider whether these insurances are sufficient or if not what other insurances are required for this activity to go ahead.

- 10.3. Should the council wish to progress this project then advice and instructions as to what the council would require would need to be determined in consultation with the corporate risk and insurance team. The insurance involvement would be to advise the body, once it is formed, as to the adequacy of their insurance arrangement. Their insurance arrangement must be without any liability attached to the Authority in the event of a claim.

- 10.4. The council would also need to carry out its own risk assessment of the proposed activities and take advice from the council's insurers as to whether or not it would need to increase its insurance cover. Should this be required Swimbleton would be required to cover the costs of that additional premiums.

- 10.5. The council will need to add this activity to the council's Risk Register and monitor it accordingly throughout the trial period.

- 10.6. The council would need to be assured that both SH2OUT and SwimSafety have approved and endorsed the Swimbleton Standard Operating Procedures and that the council officers have reviewed and approved all documentation including, but not limited to, staff qualifications, DBS checks, insurances, water quality testing regimes, etc.

- 11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT**
- 11.1. Appendix 1 (exempt) – Swimbledon – Considerations and Concerns
 - 11.2. Appendix 2 (exempt) – Swimbledon – Draft Business Plan
- 12 BACKGROUND PAPERS**
- 12.1. None for the purposes of this report.

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