

HIGH PEAK BOROUGH COUNCIL

The Executive

13 February 2020

TITLE:	Use of Inflatables on Council Owned Land
EXECUTIVE COUNCILLOR:	Councillor Barrow- Executive Member for Corporate Services and Finance
CONTACT OFFICER:	Nicola Kemp - Head of Service Commissioning
WARDS INVOLVED:	All

Appendices Attached – A - SP033: Bouncy Castles and Inflatables

1. **Reason for the Report**
 - 1.1 To provide the Executive with an understanding of guidance and legislation associated with the use of inflatables along with potential risk of their use.
2. **Recommendation**
 - 2.1 That the use of inflatables be banned from use on council land when provided at events run by third parties.
3. **Executive Summary**
 - 3.1 Inflatable use across the High Peak occurs in a number of forms, including:
 - Via a concessions contract let by HPBC in Manor Park, Glossop, any inflatable would be operated by the contractor appointed by the council,
 - At events which occur on our land i.e. parks and open spaces, these would be hired in or operated directly by the event organiser,
 - Within our leisure centres specifically within the swimming pools, Lex Leisure have inflatables which can be used in each pool.
 - 3.2 The councils Corporate Health & Safety Advisor (CHSA) developed a procedure SP033: Bouncy Castles and Inflatables in 2011, this has recently been updated following revised guidance issued by the HSE in 2019. (see

Appendix A). This Alliance wide guidance details the precautions to be taken when erecting and using inflatable devices on Council owned land and is also intended to give direction to those proposing to hire or operate inflatable's including bouncy castles as part of an organised event, or as part of a contract on behalf of the Council.

- 3.3 In light of the number of fatalities which have occurred nationally in the last four years, it is an appropriate time for the council to consider whether the use of inflatables on our land continue to be permitted.
- 3.4 Legislation including the Health and Safety at Work Act 1974 Sections 3 and 6 applies in regards to the use of inflatables as does the Provision and Use of Work Equipment Regulations 1992.
- 3.5 The Health & Safety Executive (HSE) supports two industry inspection schemes for inflatables run by PIPA and Amusement Devices Inspection Procedures Scheme (ADIPs). Most play inflatables will display either a numbered PIPA tag or an ADIPs declaration of compliance (DoC) to show they comply with British Standard BS EN 14960. This applies to inflatables used both inside or outside.
- 3.6 Following a number of tragic fatalities in 2018, the HSE has published revised guidance for industry stakeholders and operators of inflatable equipment in early 2019. The revised guidance recommends that operators carry out a range of checks and monitoring in line with the inflatable's operator manual. This includes guidance that inflatables should not be used in winds above 24 mph (38 kmph), Force 5 on the Beaufort Scale (small trees in leaf begin to sway at this wind speed) and that regular wind speed monitoring be undertaken using an anemometer.
- 3.7 In addition to this guidance some councils have taken a decision to ban the use of inflatables on their land.
- 3.8 Where inflatables are used indoors, for example by the councils leisure centre contractor, the associated risk is mitigated as the contractor, or the operator from whom the inflatables were hired, can be closely monitored. Similarly use outdoors by a concessions operator appointed by the Council can also be closely monitored for compliance with HSE guidance.
- 3.9 Where inflatables are used outdoors at events organised by third parties on our land, it is the event organiser who has liability for their safe provision and use. There is an increased risk in such instances that organisers may not give full consideration to the use of inflatables or be familiar with considerations they should be making. This places attendees and users at a higher risk of injury or worse.
- 3.10 Whilst the council can improve its event booking process to ensure we are aware of those events which plan to use inflatables ensuring we can give guidance to organisers regarding their proper use. As such events usually occur outside of normal working hours, it is impractical for the Council or its officers to undertake checks on inflatables in use at events to ensure they are

being used correctly and safely by either the event organisers or a hire company.

- 3.11 For this reason it is being recommended that a ban of inflatables at events held on our land when organised by third parties be enforced.

4. **How this report links to Corporate Priorities**

- 4.1 This report links to Aim one of our Corporate Plan to “Supporting our communities to create a healthier, safer, cleaner High Peak”.

5. **Alternative Options**

- 5.1 There are four options available to the Council in regards to the use of inflatables. This includes:

1. A total ban of the use of inflatables within council buildings and on council land. This would prevent the use of such equipment across a range of services and could lead to complaints and reduced footfall in our parks, at our leisure centres and at the Pavilion Gardens complex. This could increase the cost of operating these facilities as income generated by visitors/users fall thus placing an increased financial burden on the council. (not recommended)

2. Permit the use of inflatables in both council buildings and on our land. Whilst further controls could be introduced to ensure we are aware of operators using or hiring inflatables so as to provide increased guidance, the council cannot monitor their safe use at all events placing users at increased risk. (not recommended)

3. Introduce a partial ban on inflatables permitting their use indoors (where use can be more rigorously controlled) or where the council has a let concessions contract and can therefore monitor the operator closely. They would not be permitted for use outdoors at events arranged by third parties when held on our land. This option reduces risk to users and restricts the use of inflatables outdoors where risk is highest due to changeable weather conditions or as an event organiser may not be aware of their responsibility. (Recommended)

4. Do nothing – Inflatables use continues to be permitted, the council does not modify the event booking process meaning we will be unaware when inflatables are to be used thus preventing us from being able to provide event organisers with guidance. (not recommended)

- 5.2 As a result it is felt that a partial ban preventing the use of inflatables at outdoor events when arranged by third parties is the most sensible solution to reduce the risk to users and attendees. It should be noted that this ban is not proposed to extend to gardens of tenanted council homes but would apply to public open space located in and around our council estates.

6. **Implications**

6.1 Community Safety - (Crime and Disorder Act 1998)

The report details how we are seeking to protect our communities through restricting the use of inflatables.

- 6.2 Workforce
As detailed within the report.
- 6.3 Equality and Diversity/Equality Impact Assessment
This report has been prepared in accordance with the Council's Diversity and Equality Policies.
- 6.4 Financial Considerations
No implications
- 6.5 Legal
As detailed within the report in regards to health and safety responsibilities and liability.
- 6.6 Sustainability
No implications
- 6.7 Consultation
- 6.8 Risk Assessment
The assessment of risk to users of inflatables has been paramount to the production of this report and the consideration as to whether a ban on their use reduces risk sufficiently.

Mary Walker
Assistant Chief Executive

**Web Links and
Background Papers**

Contact details

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7. Detail

7.1 Inflatable use across the High Peak occurs in a number of forms, including:

- Via a concessions contract let by HPBC in Manor Park, Glossop, any inflatable would be operated by the contractor appointed by the council,
- At events which occur on our land i.e. parks and open spaces, these would be hired in or operated directly by the event organiser,
- Within our leisure centres specifically within the swimming pools, Lex Leisure have inflatables which can be used in each pool.

7.2 The councils Corporate Health & Safety Advisor (CHSA) developed a

procedure SP033: Bouncy Castles and Inflatables in 2011, this was last updated in 2018 (see Appendix A). This Alliance wide guidance details the precautions to be taken when erecting and using inflatable devices on Council owned land.

7.3 It is also intended to give direction to those proposing to hire or operate inflatable's including bouncy castles as part of an organised event, or as part of a contract on behalf of the Council.

7.2 In light of the number of fatalities which have occurred nationally in the last four years, it is an appropriate time for the council to consider whether the use of inflatables on our land continue to be permitted.

8. Legislation and HSE guidance

8.1 Legislation including the Health and Safety at Work Act 1974 Sections 3 and 6 applies in regards to the use of inflatables as does the Provision and Use of Work Equipment Regulations 1992.

8.2 The Health & Safety Executive (HSE) supports two industry inspection schemes for inflatables run by PIPA and Amusement Devices Inspection Procedures Scheme (ADIPs). Most play inflatables will display either a numbered PIPA tag or an ADIPs declaration of compliance (DoC) to show they comply with British Standard BS EN 14960. This applies to inflatables used both inside or outside.

8.3 An owner or the person making the inflatable available for use, is responsible for making sure a range of tests are carried out, including:

- An 'initial test' following purchase to confirm it complies with BS EN 14960.
- An annual inspection by a competent person. This person should review previous inspection reports and certificates and will inspect all parts of the inflatable and its equipment that affects its safe operation including;
 - wear or rips in the fabric,
 - the internal air pressure,
 - the number and condition of the anchors,
 - the firmness of any walls and towers,
 - the condition of the blower and whether it has sufficient mesh guards.

8.4 Following a number of tragic fatalities in 2018, the HSE has published revised guidance for industry stakeholders and operators of inflatable equipment in early 2019.

8.4 The availability of clear guidance/standards and the now widely known potential for inflatable play equipment injury means that Environmental Health Officers who find operators of inflatable play equipment not meeting the required standards and therefore putting children at risk, can take strong enforcement action.

- 8.5 The revised HSE guidance recommends that operators carry out the following in line with the inflatable's operator manual:
- No inflatable should be used in winds above 24 mph (38 kmph), Force 5 on the Beaufort Scale (small trees in leaf begin to sway at this wind speed).
 - The manufacturer's operating manual should be referred to, to determine if the inflatable has a lower maximum wind speed for operations, in order to confirm the maximum wind speed for the safe operation of the inflatable.
 - When the inflatable is being operated outside, an anemometer should be used to measure the wind speed at regular intervals. If one is not available, the inflatable should not be operated outside.
 - Smartphone weather applications should not be used to measure wind speed as they do not take localised wind conditions into account.
 - When using the inflatable outside, all anchor points must be used, with metal ground stakes at least 380 mm long and 16 mm wide, with a rounded top. They should have a welded metal 'O' or 'D' ring fitted to the end.
 - All inflatables must have at least 6 anchor points. The operators manual should be referred to, to confirm how many there should be, these should be regularly checked to ensure they remain in place and have not been removed.
 - Ropes used to secure the inflatable should be in good condition and not be stretched, frayed or rotten. Improvised tow ropes, eg. bungee cord should not be used.
 - If ground stakes cannot be used because of the surface (eg tarmac) ballast should be used with anchor points each weighing at least 163 kg and with suitable fixings to attach the guy ropes. The inflatable should be tightly secured to the ground so that the wind cannot get under it and lift it up.
 - If an inflatable is being used indoors, the operator's manual should be referred to, to provide instruction on what anchorage is necessary to maintain the shape of the device and prevent overturn.
 - All other associated equipment must be safe, including the blower.
- 8.4 In addition, the HSE recommends that there should be constant supervision of an inflatable or bouncy castle by at least one suitably trained person.
- 8.5 Furthermore, operating instructions must be supplied to persons hiring an inflatable for use, for example at an event, this should include the following:
- Detail restrictions on the number of users on the inflatable at any one time to the limit as specified in the operators manual or on the unit label. This should never be exceeded, a user height limit may also be required to restrict bigger users separate from smaller ones.
 - Make sure users can get on and off safely, with safety matting at the entrance that is no more than 2 inches deep.
 - Users should not wear shoes or glasses and should empty their pockets of all sharp or dangerous items.
 - Anyone obviously intoxicated should not be allowed on.
 - Users should be prevented from climbing or hanging on the walls.
 - Anchor points should be regularly checked to ensure they remain secure.

9. Councils Banning Inflatables on their land

- 9.1 A number of Councils have in recent years banned the use of inflatables, such as slides and bouncy castles on their land. In most cases the ban has been introduced as a result of a fatality within the council area or nearby. The table below details those authorities that have taken this decision.

Local Authority	Reason	Type Banned	Date
Woking Borough Council	Fatal Accident at an event held on council land	Inflatable slides	March 2019
Ormsby and Scatby Parish Council	Followed decision of Havant	Bouncy Castles	August 2018
Havant Borough Council	Explosion/Fatality	Bouncy Castles	July 2018
Harlow Council	Fatal Accident- blew away	All inflatables	March 2016
Fife Council	8 Accidents	All inflatables	October 2008

- 9.2 It should be recognised that there may be other local authorities who have banned inflatables on their land, the Councils listed above are those whose bans have been promoted in the main media. To our knowledge no councils in Derbyshire have taken a decision to ban inflatables.
- 9.3 There is much evidence to confirm that many injuries occur whilst using a bouncy castle or other type of inflatable play equipment. Injuries are often caused by people bouncing off the inflatable onto the ground, being hit by other people or by just falling awkwardly. A number of recent fatal accidents to users have occurred where bouncy castles were not anchored safely.
- 9.4 Many accidents could be prevented by improved supervision and sensible use; however there is a risk of a serious disabling injury even when they are correctly operated. This report has been drafted to not only highlight guidance around the use of inflatables and associated risk but also to ensure the council is adequately protected from liability when they are used on its land.
- 9.5 The councils insurer Zurich was asked to provide its view on the use of inflatables and associated risk. They were unable to provide the Council with a definitive or recommended position but confirmed in their opinion that there remain significant risks with their use.

10. Use of inflatables by our contractors

Concessions contract

- 10.1 In the High Peak the provision of children's rides via two concessions contracts have been in place historically at Pavilion Gardens and Manor Park for many years.

- 10.2 The Pavilion Gardens concessions contract, now operated by Parkwood Leisure, enables them under the terms of their contract and lease, to provide children's rides or inflatables in a designated area next to the lake. Parkwood would have responsibility for monitoring any operator to ensure compliance with HSE guidance and that the operator has appropriate insurance in place.
- 10.3 The Manor Park contract is managed and monitored by the councils Service Commissioning Team. Inflatables have been allowed as part of this provision alongside the provision of children rides.
- 10.4 A procurement exercise for a new operator at Manor Park is required for 2020. As part of the procurement exercise operators will be required to submit their annual ADIP/PIPA certificates for each inflatable item they propose to use, alongside associated risk assessments, operating procedures and their certificate of insurance to a cover level dictated by the council.
- 10.5 Upon appointment, the operator would be regularly monitored to ensure that they continue to operate in a safe manner. Such monitoring could be undertaken by the CHSA or an Environmental Health Officer but would most commonly be undertaken by a Project Officer from the Service Commissioning Team, as part of contract compliance checks.
- 10.6 Generally the concessions contracts have run smoothly without incident. Two known incidents have occurred in the last ten years that the council is aware of:
1. In 2009-10 the HSE took action against the appointed concession operator for issues of non-compliance. This action was taken after a series of inspections by the CHSA, and as the operator undertook no recommended follow up action.
 2. In 2013 an accident occurred on an inflatable provided by a concessions operator at Manor Park, resulting in a small child suffering a broken arm. Whilst the council was notified of the accident, the operator was pursued with an insurance claim for damages as they were liable for the operation of the inflatable.

Pavilion Gardens and Leisure contracts

- 10.7 Parkwood Leisure, the operator of the Pavilion Gardens complex as a result of poor, wet weather in summer introduced in 2019 indoor inflatable events in the Octagon Hall. These large inflatables were introduced to increase footfall and visitor numbers during the school holidays, their use was well received. Parkwood have liability to ensure the inflatables are used correctly and in line with HSE guidance.
- 10.8 Pool inflatables are regularly used within the councils leisure centres. These are operated by Lex Leisure providing fun activities in school holidays or for pool parties. Liability for their correct use lies solely with Lex Leisure.

11. Use of inflatables at Events

- 11.1 The Council regularly permits events to be held within its parks and on open spaces. An event booking process is in place to ensure the Council is content that health and safety and other other considerations have been made by the organiser.
- 11.2 At the planning stage of an event, the organiser must complete an Event Request Form, this is submitted along with additional detail to the council for consideration. This request form does not currently ask an event organiser whether they plan to hire in or operate an inflatable at the event. Therefore we are unaware how many inflatables have been used on events held on our land in recent years.
- 11.3 Liability should an incident occur at an event on our land sits with the event organiser. All organisers as a result are required to have Public Liability Insurance (PLI). This ensures they, and separately the Council, are protected from unfortunate occurrences such as an injury to an attendee.
- 11.4 In 2019, the Alliance decided to categorise events as low, medium or high risk in order to determine the level of PLI required. The agreed categorisations are as follows:
- Low risk (requires PLI of £1million) - less than 149 attendees, activities undertaken which are in keeping with a park or open space, event has little or no commerciality and does not involve any licensable activities, i.e. an event operated by a community group or fund raising.
 - Medium risk (requires PLI of £5 million) - 150-1,499 attendees expected, provision of limited activities not in keeping with a park or open space, some commercial activity is provided i.e. food and drinks concessions/sales and potential licensable activities, i.e. community group, charity or a friends group organising an event such as a car rally, sporting event or large scale fund raising event.
 - High risk (requires PLI of £10 million) - an event which expects +1,500 attendees such as a commercial fair or circus and which would include a range of high risk activities including the installation of large temporary structures such as marquees, fair rides or amusements, the sale of alcohol (separately licensed), firework displays or bonfires and other licensable activities including food and drink concessions.
- 11.5 Inflatable equipment used at an event may be hired by the event organiser which we would hope would be from a reputable company. Meaning the equipment would be set up, operated and supervised by the hire company's own staff. This company would be required to fully comply with HSE guidance as detailed earlier in this report, which ensures all aspects of safety are considered and monitored, the hire company should also be checked to ensure it employs suitably experienced and trained adult personnel.
- 11.6 In such instances the event organiser hiring an inflatable should obtain risk assessments from the supplier. These should detail the delivery and retrieval, siting, set-up and if appropriate the supervision of the equipment. All aspects of use of the inflatable should then be detailed in the event risk assessment produced by the event organiser. This is a requirement of the Management of Health and Safety at Work Regulations 1999.

- 11.7 If the organiser intends to operate the inflatable themselves, they must ensure that they are provided with written instructions about the safe setting up, operation and supervision of the equipment, they should also obtain evidence that the equipment has been properly maintained via an ADIP inspection report or equivalent.
- 11.8 In both scenerios as part of the event booking process, officers would request to see copies of the event risk assessment along with the site plan and copies of PLI certificates before authorising an event. Currently the councils event booking process does not ask the organiser if they plan to provide an inflatable at their event. Meaning there is an increased risk that event organisers may not give full consideration to their use or be familiar with considerations they should be making.
- 11.9 Taking into account the number of accidents and fatalities that have occurred nationally in recent years, the use of inflatables at events is seemingly the biggest area of risk given that event organisers may not be fully aware of their roles and responsibilities in regards to the provision or operation of an inflatable.
- 11.10 The council can improve its event booking process to ensure we are in future aware of those events which plan to use inflatables ensuring we can give guidance to event organisers regarding their proper use. It should though be recognised that as these events usually occur outside of normal working hours, it is impractical for the Council or its officers to undertake checks on inflatables in use at such events to ensure they are being used correctly and safely by either the event organisers or a hire company. Therefore risk levels whilst diminished will not be fully addressed by this additional action.