

# Chichester District Council

CABINET

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## Review of Foreshore Service

### 1. Contacts

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### 2. Executive Summary

The current service delivery model is under review due to various factors, including potential liability to the council arising from handling 3<sup>rd</sup> party equipment and from some of the activities undertaken by the staff, safety risks to staff and public, difficulty sourcing appropriate equipment and potential storage issues, increased revenue costs and poor resilience in the service due to the challenges of seasonal recruitment each year, retention and training which frequently affects the effectiveness of service delivery.

### 3. Recommendation

#### 3.1 That Cabinet approves Option 1 as the delivery model for the Foreshore Service.

### 4 Background

- 4.1 The Council, under the Crown Estate Foreshore lease, has a landlord's duty of care for over 9 miles of coastline, ensuring the land is not in a dangerous state and to take reasonable care to ensure that visitors will be reasonably safe. There is significant variation in how local authorities, as landlords, fulfil these duties, ranging from foreshore teams to an inspection-based service, and from land-based to sea-based services.
- 4.2 The current foreshore service goes beyond the council's legal responsibilities as referred to in paragraph 4.1. In addition to inspections and managing hazards on the foreshore, the service provides first aid and lifesaving equipment, gives beach safety advice, and monitors compliance with the byelaws, where officer presence possibly acts as a deterrent. Various discretionary activities including public boat launching and grading the shingle for improved access are also provided. The service also provides Royal Yacht Association (RYA) power boat training for staff and public.
- 4.3 A recent review of the service has concluded that in its current form, the service results in potential risks and liabilities to the council, hazards giving rise to safety

risks, difficulties with sourcing and storage of appropriate equipment, increased costs for equipment, and difficulties recruiting and retaining staff, which impact on competencies and capabilities of staff.

- 4.4 Foreshore services are not statutory and activities on the foreshore or in the sea are at the individuals own risk. The current level of service provision is variable across the frontage, operating from Easter to the end of September, 7 days a week, 10am and 6pm. There is a permanent officer (1 FTE) and 5 seasonal staff (3 FTE, 2 PTE).
- 4.5 Foreshore inspections aim to identify potential hazards. In favourable sea and weather conditions, and with appropriate staffing levels, boat patrols are undertaken to monitor byelaws and can assist those in trouble in the sea. This has led to perceptions that the service has a rescue function however the proper authority for rescue is HM Coastguard and the RNLI Search and Rescue Service at Selsey and Hayling Island. A 24hr/7 day a week service compared to the council's boat which is used for approximately 60 hours each season (3hr x 20 times). In light of the roles outlined above, rescues effected by the council also add risks to staff and the public with potential for significant liability implications, particularly should a boat be launched for a rescue.
- 4.6 The council provides boat launching and recovery (approx 65 per season), for boats owned by the public, using Bracklesham's public slipway, which is under shingle, however, the risk of injuries to staff, the public, and damage to their equipment still exist despite best efforts to manage it. There are alternative public ramps for launch or recovery of boats, including at East Beach, Selsey and within Chichester Harbour.
- 4.7 Improved beach access at Bracklesham is achieved by grading the shingle with a tractor. However, the council has no duty to provide improved access in what is a natural, dynamic environment. Parish councils grade the shingle in other locations.
- 4.8 Various key equipment is at the end of its useful life (tractors, boats, trailers etc.) and to continue the service with one boat rather than the current two, would require further investment by the Council as the asset replacement programme (ARP) is underfunded by £75,000. With a sea-based service, large equipment that operates in the sea requires a planned preventative maintenance (PPM) programme, with the associated additional revenue budget implications of £12,000. Access/egress to the boat store, and storage of newer equipment may also require alterations to the foreshore building with an additional capital budget requirement of between £15k-£75k if new roller doors are required.
- 4.11 Staff recruitment and retention is challenging each year given the skills required and physical nature of the role. Recruitment and staff training is delivered by the 1 FTE permanent Foreshore Officer with no cover for non-working days, leave and sickness absence. There is presently insufficient time to train new staff before the season starts with staggered start dates making training difficult, often resulting in the service operating at reduced capacity initially, with inexperienced staff and staff often not deemed competent in some elements of work before the end of the season.

## **5 Outcomes to be Achieved**

5.1 To approve a future service delivery model which is resilient and meets the council's lease duty.

## **6 Proposal**

### **6.2 Option 1 – Inspection based service.**

6.3 A foreshore management team, coordinated by the 1 FTE Foreshore officer, would be formed to deliver periodic inspections of the foreshore land to identify and manage hazards and fulfil the landlord responsibilities under the foreshore lease. The service would continue to respond to service requests that relate to the safe use of our beaches. Various services already undertake various leaseholder duties as business as usual. Contract services undertake litter clearance and shingle clearance on highway. Community wardens already support the service however, it is anticipated they will periodically support the Foreshore officer as necessary. Civil enforcement officers undertake parking enforcement of the car park and surrounding highway restrictions.

6.4 The frequency of inspection through the year will be determined in accordance with the corporate policy on inspection of council assets and will be led by the 1 FTE Foreshore Officer, with collective resources from other service area being directed as required.

6.6 Budget implications are.

- i. Saving of £30,300 revenue for casual wages.
- ii. Loss of income, £2,000 from ceasing RYA courses.
- iii. Saving of £97,000 capital ARP. However, this may be reduced to a saving of £37,000 following beach trials for the most appropriate equipment.

6.8 There are also opportunities for generating income by reducing the size of the storage building and creating a rental opportunity for the council.

6.9 There are reputational risks from implementing a new approach to service delivery under this option. However, the current service extends beyond the landlord duty and is very variable across the frontage. The new service will improve this situation by ensuring landlord duties are appropriately covered in all locations.

## **7 Alternatives Considered**

### **7.1 Option 2 - Sea and Land based service with 1 boat and seasonal staff, including discretionary services (boat launch/beach grading).**

7.2 This option involves a foreshore team presence at Bracklesham, including occasional presence on the water to monitor/intervene users operating their vessels dangerously or above the speed limit. Additional discretionary services could include launching of public's boats and shingle grading at Bracklesham only for improved beach access.

7.3 This service (as with the current service) gives rise to potential liability to the council from handling 3<sup>rd</sup> party property and from rescues as the service is not set up as a rescue service. Staff competency and capability plays a significant part in risk

management and should the service continue in this form additional training would be required. There remains the higher safety risk to staff from working in water and working with unknown 3rd party equipment.

- 7.4 Due to being a higher risk delivery model, this option has additional budget implications.
- i. Cost of £40,000, additional 1 FTE permanent Deputy Foreshore Officer to support recruitment, training, and resilience to the service.
  - ii. Cost of £10,000, additional wages to start seasonal staff 1 month earlier.
  - iii. Cost of £12,000 revenue budget increase for a Planned Preventative Maintenance Programme (PPM) for the tractor and boats.
  - iv. Cost of £5,000, additional revenue budget for rescue training.
  - v. Cost of £75,000, increase to capital ARP.
  - vi. Potential for storage building alterations (estimated to be a cost of between £15k to £50k if a new roller door is required).

### **7.5 Option 3 - Land based service with seasonal staff.**

7.6 This option would deliver a service that operates across all the key beaches providing inspection and officer presence to provide sea safety advice and services such as first aid. In addition, the service would focus on sea safety through various community engagement activities. With no patrol boat it would be clear that the service is not a rescue service, removing potential liability and staff risks would be removed as launching/recovery of 3<sup>rd</sup> party equipment would cease.

7.7 Budget implications are.

- i. Cost of £10,000, additional wages to start seasonal staff 1 month earlier.
- ii. Loss of £2,000 income from ceasing RYA courses.
- iv. Saving of £97,000 capital ARP. However, this may be reduced to a saving of £37,000 following beach trials for the most appropriate equipment.

## **8. Resource and Legal Implications**

- 8.1 Option 2 requires additional permanent staff for resilience and staff training. Seasonal staff would need to start 4 weeks earlier for training and competency. Equipment needs are determined by the service model, however, any equipment used in the sea requires planned preventative maintenance, particularly where it is not purpose made for the sea, such as the current tractor.
- 8.2 There are no legal implications to adjusting the service as elements that maybe reduced are discretionary and the council is not required to provide the service to present levels.
- 8.3 Without access to boats, the council will not be able to provide RYA training with revenue implication from loss of income, however this has been under £2000/year in recent years.

## **9 Consultation**

- 9.1 Public consultation on these proposals is not required however, prior to any amendment to the service increased engagement will be undertaken regarding the

new service. Staff consultation is on-going both through the review and during any subsequent implementation.

## 10 Community Impact and Corporate Risks

10.1 Confusion around whether the Council will participate in a rescue often results in negative views from the public.

10.2 Private boat owners may not support cessation of the boat launching service, however the cost of providing this service is disproportionate to the benefits to a small number of people.

10.3 The community and parish councils may see any changes to the service as a negative step, however as proposed, each coastal community would receive the same level of service rather than the focus being at Bracklesham.

## 11 Other Implications

Are there any implications for the following?		
	Yes	No
<b>Crime and Disorder</b>		x
<b>Biodiversity and Climate Change Mitigation</b>		x
<b>Human Rights and Equality Impact</b>		x
<b>Safeguarding and Early Help</b>		x
<b>General Data Protection Regulations (GDPR)</b>		x
<b>Health and Wellbeing</b>		X
<b>Other (please specify)</b>		x

## 12 Appendices

None

## 13 Background Papers

None