



Maritime & Coastguard Agency

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Mr Andrew J Cox
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Your ref: 12841 / 12844
Our ref: CE 10/2020

2 September 2020

By email only: cornwallcoroner@cornwall.gov.uk

Dear Mr Cox

Thank you for your letter of 22 June to Brian Johnson about the tragic deaths of Gillian Davey and Michael Pender. I am replying because I can be the formal representative of the Maritime & Coastguard Agency should you call us to the inquests. This statement is in addition to the correspondence [REDACTED] sent you on 5 June replying to your letter of 29 May 2020, receipt of which was acknowledged by [REDACTED] from your office on 5 June and I attach that reply to this statement, for ease of reference.

The Department for Transport and the Maritime & Coastguard Agency have an interest in maritime safety generally because we want to see fewer accidents and less demand on the emergency services that we coordinate to respond to search and rescue missions. That is why we promote initiatives such as the annual Maritime Safety Week alongside partner organisations and we use our social media and other channels to communicate safety campaigns and messages. We do not have any statutory or specific responsibilities for beach safety.

After the deaths at Camber Sands in 2016 and the helpful observations from Mr Craze, the East Sussex Coroner, the Maritime & Coastguard Agency, working closely with the wider membership of the National Water Safety Forum, commissioned a review from an independent lawyer. We asked him to undertake research to form a view of beach safety in terms of legal responsibilities and to make recommendations.

The research was completed by Dominic Watkins at DWF who took time to test out his thinking with a wide range of stakeholders. A review was completed, and recommendations made. One immediate action, to update a Beach Safety Guide that was originally published in the 1990s, was completed quickly by the Maritime & Coastguard Agency. The Guide provides a framework for beach owners to use when considering risks to the public at their beaches and advice on mitigations that might be



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used to address any risks. We worked with the Royal Society for the Prevention of Accidents and the RNLI to develop additional information published in June this year providing advice on maintaining the safety of the public and staff on beaches during a pandemic. We particularly welcomed the support of the Local Government Association who made the guidance available to their local authority membership.

We recognised that the remainder of the Review's recommendations were wide-ranging and would need much more detailed discussion and consideration across many interest groups and government Departments. We had planned to make the Review public at a National Water Safety Forum event in November 2019 organised by the Royal Society for the Prevention of Accidents. Ministers were scheduled to introduce the Review and our plan was to use the occasion to start a wider consideration of the policy matters it contains. However, at the beginning of November the Prime Minister called a General Election for 12 December 2019. It is a convention within Government that all but essential policy announcements are deferred during the pre-election period, which meant that the Minister was no longer able to attend the Safety Conference and start the wider discussions.

Ministerial appointments and portfolios were confirmed at the end of February 2020 and soon after new Ministers had been briefed about the most pressing issues that needed to be at the top of their priorities, attention necessarily focused on the coronavirus pandemic. The opportunity to consider the independent review has now been taken and we intend to publish it on gov.uk as soon as possible. Ministers are seeking a wider debate about the merits of the remaining recommendations and we will be discussing these with stakeholders with a view to gauging opinion on possible next steps.

However, you will understand that this will not be a quick process and it will take time to come to any firm conclusions. Within his report the author is very clear that ***“while commissioned by the MCA, it is important to stress that this Report and its findings are entirely independent from the MCA”***.

There are many stakeholders with an interest in beach safety and finding absolute legal clarity about responsibilities may be difficult. The Ministry of Housing, Communities and Local Government has an interest in supporting local authorities, many of which will be the notional “owner” of much of the United Kingdom’s 11,500 miles of coastline and many of our 1,320 beaches. Other beaches will be privately owned or owned by other major landowners such as the National Trust and the Crown Estates.

As part of the response to the current pandemic, the Cabinet Office have brought together parts of the machinery of government with an interest in beach safety and this may be a useful forum to consider some of the challenges set out in the Review. There may also be a role for the National Water Safety Forum and its constituent members. Indeed, the Forum has already brought together a compendium of existing helpful advice and guidance to support beach owners in their efforts to understand and mitigate safety risks.

We believe it is too soon to judge what conclusions those wider discussions and considerations might lead to and whether new legislation, greater collaboration or further guidance to support beach owners might offer the most effective approach.

Fundamentally and ultimately, however, people have a personal responsibility for their own safety in and around water and on beaches. Landowners, local authorities and others can provide safety information including signage and public rescue equipment, but it is individuals taking responsibility for their own safety and actions that will keep most people safe. Even where beach owners carry out a risk assessment and conclude that they can support safety by providing a lifeguarding service, whether from the RNLI or another provider, those services will not operate 24 hours a day and always cover just a limited area of each beach. Deployment will also be seasonal to take account of the times of year when the risk is judged to be at its highest. The provision of a lifeguarding service is not, and can never be, an absolute guarantee of safety.

For our part in the Maritime & Coastguard Agency we will continue to work with partners on safety campaigns and messaging using social media and paid advertising. At the moment we are engaged in a joint campaign with the RNLI to encourage coastal safety, discourage people from using inflatables at the beach, and to remind them that if they do get into difficulty then they should call 999 for the Coastguard.

We are ready of course to support you with your upcoming inquests. I will attend in my role as Assistant Director with Her Majesty's Coastguard. I will be able to explain our search and rescue operations generally and the specific actions in the two deaths you are examining. I will also be able to set out what is happening in relation to the wider review.

Yours sincerely

[Redacted signature]

[Redacted name]

Assistant Director
Her Majesty's Coastguard Policy & Standards