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Risk Control
Free Running



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Risk Control

Free Running

Introduction

Parkour or free-running as it is more commonly known, originated in France and is the acrobatic and athletic discipline of individuals expressing athleticism, poise and balance by running over man-made obstacles – bearing similar characteristics to military assault courses.

In 2017 the UK became the first country in the world to officially recognise free-running as a sport. Having the required recognition from all of the UK Sports Council's means organisations such as the sport's National Governing Body - Parkour UK - are able to apply for Government grants and National Lottery Funding for support and to develop facilities¹.

YouTube is filled with videos of free runners – posted by both amateurs and professionals alike. The wide reaching audiences that these streamed videos attract, may be contributing to newcomers wanting to try out the sport. The National Governing Body for Parkour / Free-running in the UK have a wealth of information on their website (<http://parkour.uk/>). Here people can connect with local community clubs, parks, facilities and training centres.

Calculated Risk

The Guardian newspaper describes free running as “an expression of attitude, exploring boundaries and calculated risk”².

Not all views positively embrace the sport. An article in the Telegraph newspaper described the sport as “likely to produce and encourage delinquent behaviour” and Cambridge University classed it as a “form of trespassing as well as endangering public health and their own health”³.

The BBC once reported that a City Council was investing £5m to ‘crackdown’ on notable problems, which included free-running on one of the city’s estates. The concerns being addressed was trespass and the potential for damage to be caused by free runners⁴.

The publication of the European Standard – ‘EN16899:2016 for Parkour Equipment – Safety requirements and test methods’ is seen as a significant achievement for the sport. It supports local authorities, land owners, universities and others to build and install free running facilities which are safe and in line with the recognised standard⁵.

The standard sets out the minimum safety standards required for installing and maintaining parkour equipment. It makes reference to parkour equipment forming no part of children’s play equipment, but does not contain guidance for Council’s on how to manage site control access or respond to the risk that children may mistake parkour equipment for play equipment. Local authorities who are building their own facilities should ensure they take appropriate measures to safeguard minors as part of their risk assessment process.

Despite its perception of high risk and danger, there have been few publicised accidents and deaths attached to the sport. One of the most high profile of these was the tragic fatal accident of UK born Nye Frankie Newman in Paris on 1 Jan 17 on the Paris Metro⁶.

The Legal View

There is currently no direct law which prevents free runners using general public places. However, if in the course of practice property damage occurs – such as broken railings or roof tiles or they endanger others through their actions, then the law will come into force.

Local Authorities have the right to issue Prevention Orders as they may do for anti-social behaviour. Horsham Council was the first authority to ban parkour by issuing a Public Spaces Protection Order following a series of complaints by residents near Horsham town centre⁷.

Section 1 of the Criminal Damage Act 1971 states ‘a person without lawful excuse destroys or damages property belonging to another, intending to destroy or damage any such property, or being reckless as to whether any such property would be destroyed or damaged shall be guilty of an offence.

Local Authorities need to be mindful that the Occupiers Liability Act 1957 states that the same common duty of care is owed to all visitors and that the occupier must be prepared for children to be less careful than adults. This is particularly important when a build project for a parkour facility is underway.

Bringing hazards to the notice of visitors, including trespassers, comes within Section 1(5) of the Occupiers Liability Act 1984. The occupier (in this case – the Council), discharges his duty by ‘taking such steps as are reasonable in all circumstances of the case to give warning of the

¹ <https://www.theguardian.com/sport/2017/jan/10/uk-first-country-recognise-parkour-sport>

² <https://www.theguardian.com/lifeandstyle/2017/jan/14/parkour-daredevil-britain-newest-sport-calculated-risk-free-running>

³ <https://www.telegraph.co.uk/education/2017/01/08/safety-concerns-daredevil-pursuit-parkour-set-become-official/>

⁴ <https://www.bbc.co.uk/news/uk-england-cambridgeshire-47552860>

⁵ <https://www.en-standard.eu/bs-en-16899-2016-sports-and-recreational-equipment-parkour-equipment-safety-requirements-and-test-methods/>

⁶ <https://www.getsurrey.co.uk/news/surrey-news/nye-frankie-newman-death-teen-13213331>

⁷ <https://mpora.com/parkour/uk-town-bans-parkour>

danger concerned or to discourage persons from incurring the risk'. Any signage must be clear enough to ensure the risk is obvious to the user or trespasser.

The concept of 'volenti non fit injuria' – acceptance of risk may be the starting point for the Council as a defence strategy. The question has to be considered alongside the existence of a duty of care. If the trespasser willingly accepts the risk as their own, there is, under Section 1(6) of the 1984 Act – no duty is owed by the occupier.

Insurance Implications

In our experience, the Public Liability policy of a typical Council does not generally exclude such activities. There is the potential for the Council to be found liable for an accident if there were known defects and the Council was aware of a persistent presence of free runners but did little to bring a hidden danger to their attention.

Local Authority Implications

There are steps that local authorities can take. Active controls could include warning signs at known public locations and the Council could also consider providing information to its residents on free running by directing them to official websites and training clubs in the community.

Planning, Building Control and Facilities Management teams should be made aware if there are known cases or evidence of free running activity in areas of their operations and this should be considered as part of a risk assessment process.

If Council's are considering building and / or operating parkour facilities, then the European standard EN16899:2016 provides a useful resource to consider.

Local authorities should always seek appropriate advice before any target hardening measures are adopted - such as anti-climb paint or perimeter fencing as these themselves could lead to an accident and result in liability attaching in the event of injury.

Summary

Council's should consider what risks are presented to them as landowners and if enforcement action can or should be taken in such circumstances. Ultimately, it is both the Occupiers Liability Act 1957 and 1984 which influences the actions of the Council, protecting them against the actions of both visitors and trespassers alike - applicable to those enjoying public areas sedately as it is to those who express themselves by free-running.

Further information

For access to further RMP Resources you may find helpful in reducing your organisation's cost of risk, please access the RMP Resources or RMP Articles pages on our website. To join the debate follow us on our LinkedIn page.

Get in touch

For more information, please contact your broker, RMP risk control consultant or account director.

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