

## Pump Hill rights and responsibilities.

### **Introduction.**

Parwich Parish Council owns the land at Pump Hill. This brings the Council both rights and responsibilities. As work on the site is carried out by volunteers and it is accessed by the general public the following framework is suggested to help ensure that the rights and responsibilities of all concerned are easily understood and met.

### **Parish Council rights and responsibilities**

#### Rights

- To decide how the land will be developed and maintained.
- To decide how and when access to the site will be allowed.
- To decide how and when public money should be spent developing and maintaining the site.

#### Responsibilities

- Ensuring that development and use of the land reflects what they consider to be, on balance, in the best interests of residents.
- A duty of care towards both volunteers and members of the public on the site.
- Compliance with planning and any other relevant regulations. (e.g. Conservation Area requirements regarding tree work).
- Compliance with any legal agreements affecting the land (e.g. the Deed of Grant affecting what may or may not be done on the land).

### **Volunteer rights and responsibilities**

#### Rights

- To choose what work they wish to do (obviously as volunteers this is up to them; they cannot be instructed).

#### Responsibilities

- That work on the site should be undertaken within parameters agreed with the Parish Council.

### **Agreeing what to do**

It is recommended that this is documented. Volunteers have a reasonable expectation of knowing that what they are doing has the support of the Council. The Council has a reasonable expectation of knowing that what is being done is consistent with its intentions (and responsibilities).

Both the Council and volunteers can have this confidence if the site is developed in line with an agreed plan for its design and the activities to implement it. The level of detail in the plan can be whatever the Council and volunteers mutually agree meets their needs. Plans that are already in use may be entirely satisfactory, but there is always the opportunity to review them to see if there are any additions or amendments that anyone would like discussed.

In particular the following might be considered as areas which should be subject to recorded agreement before they take place.

- An overall plan covering layout and planting in general terms.
- Design of entrances.
- Provision of signage.
- Routes and construction of paths.
- Creation of any permanent or semi-permanent structure or other feature.
- Expenditure of public money.
- Tree work other than manual pruning and/or removal permitted within a conservation area.
- The use of mechanised equipment on the site.
- The use of herbicides on the site.
- Activity by paid contractors or other third-party organisations on the site.
- Public statements about the use or development of the site

and additionally

- Any concerns, raised by any party, which are not quickly and easily addressed to the satisfaction of all concerned should be referred to the Council for resolution.

### **Insurance.**

The Parish Council maintains insurance cover to protect, amongst other things, against third party claims against it. The Council will endeavour to clarify if this cover can be used to protect volunteers against any claim that might be made against them also.

Central to the validity of insurance for the Council, or volunteers, is a requirement that reasonable steps are taken to avoid hazards. An important way for this to be done is for a risk assessment to be prepared identifying work to be undertaken, possible hazards and ways of reducing them.

This can easily be based on the risk assessments previously prepared for similar volunteer work in the village. The principal differences being that they would be ongoing rather than just for a specific event and would need to cover access by the general public even when work was not being done. They should also be kept under regular review, in particular if any activity beyond the scope of normal domestic gardening activities is planned.

Andrew Martin, Clerk  
January 2020