

To be approved at 7th October 2020 Parish Council Meeting

The risk assessment is a systematic general examination of working conditions, workplace activities and environmental factors that will enable the Parish Council to identify any and all potential inherent risks. The Parish Council, based on a recorded assessment, will take all practical and necessary steps to reduce or eliminate the risks, insofar as is practically possible.

This document has been produced to enable Weston on the Green Parish Council to assess the risks that it faces with regards to the purchase of the playing field and spinney and satisfy itself that it has taken adequate steps to minimise them.

There are two categories of risk associated with the purchase of the playing field:

1. Risks associated with the purchase process
2. Risks associated with the management of the playing field.

The Parish Council currently lease the playing field from the Duchy of Cornwall and therefore the village risk register currently includes risks associated with the playing field and spinney. Additional risks referenced here are associated with the Parish Council's potential new role as owner of the playing field and spinney.

1. Risks associated with the purchase process

Category	Risk (s) identified	H/M/L Rating	Management / Control of Risk	Review/Assess/Revise
Purchase Process	1a. Risk that the public do not feel the purchase price of the playing field has been sufficiently assessed against market rates.	M	Reviewed and discussed by the Finance Group at 15/08/20 Finance Group meeting. Finance Group analysis of current agricultural land value at £9k p.a. with the proposed field acreage at approximately 2.726 acres suggests a land value for the field of c£24.5k (plus 1.189 ac of woodland). However, the land under discussion is more developed than agricultural land, with a recently replaced tree stock in the spinney, active playing field, car park, fencing and installed playground. Therefore, it is the assessment of the Finance	Action: Review mitigating actions if the purchase price were to change for any reason.

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			<p>Group that the purchase price of £30k required by the Duchy for the sale to progress is not far from the true value of the land.</p> <p>The Finance Group discussed whether it necessary to appoint a surveyor to confirm the valuation. After debate a unanimous decision was made that it would be better to save the additional expense from public funds.</p>	
	1b. Risk that villagers do not feel sufficiently engaged in the purchase of the playing field.	L	<p>Reviewed and discussed by the Finance Group at 15/08/20 Finance Group meeting.</p> <p>There is a section on the Parish Council website to provide details of the project, loan information and list out where in Parish Council minutes playing field discussions have taken place. Updates are and continue to be provided regularly in Village News articles.</p>	Action: Clerk to continue to update the Parish Council website and ensure updated information is placed in each edition of the Village News.
	1c. Risk that the commitment of the Parish Council to pay Duchy of Cornwall legal fees is not perceived to be a good use of public funds, particularly in light of the fact that they are substantially in excess of those prudently negotiated by the Parish Council for their own legal advice.	M	<p>Reviewed and discussed by the Finance Group at 15/08/20 Finance Group meeting.</p> <p>As the Parish Council has approached the Duchy to progress this sale, the Duchy have articulated terms required for them to release this land. Following a robust discussion it was unanimously felt by the Finance Group that these terms are non-negotiable.</p>	Action: Finance Group to continue to monitor costs via legal advisers and report to PC where necessary.

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			<p>The Finance Group also discussed the rate of fees expected from the Duchy’s solicitors, again the Finance Group felt that there was no room for negotiation on the provider of legal fees to the Duchy.</p> <p>The Finance Group agreed that it was not optimal that there was no cap of fees incurred by the Duchy solicitors. It agreed that it was necessary to write to the PC solicitors to gain assurance over this.</p> <p>Letter dispatched 24/08/20 to seek assurance that –</p> <p>All bills raised by the Duchy solicitors be reviewed by PC solicitors.</p> <p>If costs by the Duchy solicitors exceed £2k plus VAT the PC will be notified and further approvals by the PC will be required.</p> <p>If fees fall below £2k plus VAT that these funds will be returned to the PC.</p> <p>Response received confirmed that the controls requested would be executed by Spratt Endicott.</p>	
	<p>1d Risk that the Parish Council doesn’t know what legal entity is best placed to own the playing field.</p>	<p>L</p>	<p>Reviewed and discussed by the Finance Group at 15/08/20 Finance Group meeting.</p>	<p>Action: Review next steps following receipt of legal advice.</p>

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			<p>The Finance Group discussed this issue and decided to request some advice on the matter.</p> <p>Advice received from OALC which highlighted it is common for Parish Council's to own land but would need to discuss with solicitor the best mechanism for protecting the land.</p> <p>The finance group has discussed appropriate ownership of the playing field and spinney. At the present time it proposes that when the lawyers draw up the deeds the Parish Council will be listed as owner. This risk will remain on the PC risk register for review in future years to ensure the land continues to be best protected for the future.</p>	
	<p>1e. Risk that the Parish Council is not best placed to act as a custodian of the playing field asset to protect it for future generations of village residents.</p>	L	<p>Reviewed and discussed by the Finance Group at 15/08/20 Finance Group meeting.</p> <p>The Finance Group acknowledged that in many cases villages have set up a separate group to manage assets such as a playing field. Following discussion the Finance Group was satisfied that the PC was able to pull in advice from the relevant bodies e.g. Woodland Trust, Oxfordshire Playing Fields Trust to enable effective management of the asset at the current time.</p>	<p>Action: Review as part of the annual risk review of the council, or in the context of legal advice relating to risk 1d, whichever is soonest.</p>

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Category	Risk (s) identified	HML Rating	Management / Control of Risk	Review / Assess / Revise
Management	2a. Risk that the Parish Council's insurance premium increases as a result of the ownership of the playing field and spinney.	L	<p>Reviewed and discussed by the Finance Group at 15/08/20 Finance Group meeting.</p> <p>Clerk investigated with the Parish Council's current insurer who replied: "The Public Liability section of the policy automatically covers the Parish Council's responsibilities towards any land or assets up to £10m. There is currently no cover provided for any loss and damage to the piece of land, notably the surface itself and in most instances, loss and damage cover for land itself is NOT taken by our policyholders as the risk is reduced, with vandalism the only real peril of note."</p> <p>The clerk is confirming whether in fact we already have protection under 'natural surfaces' and will advise when further information received.</p>	Action: Review following receipt of advice.
	2b. Risk that neighbours of the playing field become frustrated by the potential increased use of the field.	M	<p>Reviewed and discussed by the Finance Group at 15/08/20 Finance Group meeting.</p> <p>Village News articles have communicated increasing use of the playing field, these should continue. Contact details should be clearly posted at the playing field and on the Parish Council website so that people know who to contact if they have an issue.</p>	Action: Clerk to continue to update the Parish Council website and ensure updated information is placed in each edition of the Village News.

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	2c. Risk that future management costs of the spinney are not known.	M	<p>Reviewed and discussed by the Finance Group at 15/08/20 Finance Group meeting.</p> <p>Finance Group discussed the matter of historic and future costs. It assessed that historic costs associated with management of the spinney will not be directly comparable going forward due to the change in tree stock in the spinney. The group felt that it was able to reach out to key experts in the Woodland Trust etc to help advise on future costs but that historic costs from the Duchy were unlikely to be helpful.</p> <p>It was also agreed that funding for any improvements to the spinney or playing field were likely to come mainly from grants, not Council Tax driven public funds.</p> <p>The Clerk outlined she proposed to start early budget planning imminently to ensure that future costs could be well anticipated.</p>	Action: Finance Group to review as part of the annual risk review of the council and the annual budgeting process.
	2d. Risk that young people may congregate in the spinney or playing field area resulting in antisocial behaviour that impacts the lives of villagers or low level criminal damage against PC property.	L	<p>Mitigation is to make villagers aware of the use of the area, consult with the neighbourhood police team on practical actions that can protect PC property and help prevent antisocial behaviour escalation, and review the risk in line with the PC's annual risk register review.</p>	