

Risk Management Note for the Local Maintenance Partnership (SWCP & LMP)

In Cornwall, most Parish and Town Councils undertake maintenance of local paths. This is financially supported by Cornwall Council and administered by Cormac Solutions Ltd under the Local Maintenance Partnerships (to include both SWCP & LMP arrangements). Parishes generally employ contractors to do the work on the ground; contractors must be adequately insured and trained to carry out their work.

The following information provides details of who is responsible for what in terms of determining and implementing risk management:

- **Landowner** - The landowner is generally responsible for hazards on his land. This includes mine workings, livestock, structures and stiles/gates.
- **Contractor** – The contractor is responsible for undertaking risk assessments and safe working practices when undertaking maintenance work on Public Paths (or Public Rights of Way). For those contractors employing 5 people or less the risk assessments do not need to be written. However, the client (usually the Parish/Town Council) needs to be satisfied that the contractor has properly undertaken the risk assessment process. Advice may be given by Parish or LMP administrator, but the responsibility for undertaking risk assessment and for site safety of workers and the general public remains with the Contractor.
- **Workers** – Any workers, for example those who work as or for the contractor, also have responsibility for following safe working practices.
- **Parish/Town Council** – The Parish/Town Council partner is responsible for known hazard identification, ‘proportionate to risk’. For example, when working with new contractors, this entails identifying hazards over and above what might otherwise be expected for path maintenance. These might include paths near cliffs, mine workings or areas where drug needles might be found. A ‘desktop assessment’ of the parish network is generally sufficient – individual path assessments are not usually necessary. For existing contractors, hazard identification entails identifying any new hazards which might not have been present in previous years. This might include a cliff collapse or a new housing development.

The parish is also responsible for checking the contractor's insurance and training certification. Copies of these documents must be kept for audit purposes.

Where hazards are identified as part of routine inspections or reports from members of the public are received, the LMP partner is urged to contact the relevant landowner or pass the issue onto Cormac Solutions Ltd so investigations may take place.

- **Cormac Solutions Ltd on behalf of Cornwall Council** - can provide safety advice on footpath maintenance. It can also provide support/information on other matters, as needed, relating to PROW management. Officers may, on occasion, selectively audit Parish records of insurance and certification to give confidence that appropriate contractors are being used.
- **Health and Safety Executive (HSE)** – The HSE provides general information on risk management and as the enforcement authority for health and safety matters in Local Authorities, they may become involved in any investigation in the unlikely event of a serious injury accident or dangerous occurrence taking place. The HSE website is an excellent source of information for safe working practices, see: www.hse.gov.uk