



**Freshwater Parish Council**

**Land Management and Assets Committee**

**Terms of Reference**

**2025**



## **Land Management and Assets Committee Terms of Reference**

Freshwater Parish Council (hereinafter referred to as the Council) manages its assets and legal responsibilities (for example common land) through this committee.

**Objective:** The Committee will manage, maintain and plan for the current, ongoing and future needs and aspirations of the Council, all of the Council's assets and legal responsibilities where they fall within the scope of the Committee as outlined in this policy. This will be done in accordance with the Council's approved Standing Orders and any other Council policy where there is overlap with this Committee.

**Membership:** The membership of the Committee will be agreed annually at the Annual Council Meeting, this will be at least 5 Parish Councillors. The Membership is required to be at least 5 Parish Councillors because of the size of the annual budget for the Committee. This will help to ensure that proper consideration is given to the spending of public money within the Committee responsibilities. Membership may be amended at any Full Council meeting of the Council. The Chair and Vice Chair of the Council are able to attend all meetings ex officio, they may also be elected as Chair or Vice Chair of the Committee.

**Chair:** The Chair of the Committee will be elected annually at the Annual Meeting of the Council. If the Chair resigns during their tenure a new Chair will be elected at the next full council meeting or alternate planning committee meeting. If the Chair is unable to attend any scheduled meeting, they must inform the Vice Chair of the Committee and the Clerk as soon as possible to ensure the Vice Chair has time to adequately prepare to manage the business of that meeting.

**Vice Chair:** The Vice Chair of the Committee will be elected annually at the Annual Meeting of the Council. If the Vice Chair resigns during their tenure a new Vice Chair will be elected at the next full council meeting. If the Vice Chair is unable to stand in for the Chair at a meeting, a vote will be taken at the beginning of that meeting to elect an acting Chair to transact the business for that meeting only. The Vice Chair must inform the Clerk as soon as possible if they are unable to stand in for the Chair at a committee meeting.

**Quorum:** A quorum is 3 or one third of the committee membership as defined in the Council's approved standing orders. The quorum for the Committee is 3 members.

**In Attendance:** An officer will attend all meetings of the Committee held in the Chamber; an officer will usually attend on-site meetings of the Committee.

An officer may attend meetings with residents whilst carrying out their duties but should be accompanied by another officer or Councillor in accordance with the Council Lone Worker Policy.

The public will be invited to attend meetings held in the Chamber only. The public may be invited to speak at the beginning of a meeting on any agenda item at the discretion of the Chair of that meeting. If a member of the public wishes to speak at a meeting the Council advises they contact either the Chair or Vice Chair of the Committee or the Clerk prior to the meeting. This would allow the Chair time to prepare a full answer to any question, or if deemed necessary by the Clerk to add an item to an agenda which has not yet been published.

**Meetings:** Meetings will be held every 2 months on the same evening as the alternate planning committee meeting. A meeting may still be held if there is no alternative planning committee meeting scheduled, due to no applications having been received. Meetings will usually follow the alternate planning committee meeting. Dates and times of the meetings will be published annually on the Parish website following the Annual Meeting of the Council. Additional meetings may be held as and when the Chair and/or Clerk think it is necessary or believe an additional meeting would be useful to enable them to meet the needs of the Council and the residents of the Parish in accordance with this policy only. On-site meetings will not be listed on the Council website, this will ensure the integrity of the meetings, no such meetings will be decision making, they will be fact finding only.

On-site meetings may be Councillor and/or officer attended meetings for any reason which falls within the scope of the Committee. For example damage assessments, maintenance checks, meetings with contractors, trades people or residents.

Committee on-site meetings would be required to meet the quorate threshold of 3 Councillors.

**Public Participation:** All Committee meetings held in the Chamber will permit the attendance of the public, unless the meeting or agenda items are considered to be commercially sensitive. The public will be required to leave the meeting in accordance with the Council's usual policy.

The public have the right to record the meetings in accordance with the law and Council policy.

*The right to record, film and broadcast meetings of Local Councils, committees and sub committees was established following the Local Government Audit and Accountability Act 2014. The "Openness of Local Government Bodies Regulations 2014" became active legislation in August 2014. This is in addition to the rights of the press and public to attend such meetings.*

The public may, at the discretion of the Chair of the meeting, speak in accordance with this policy. The public will be notified of all meetings to be held in the Council Chamber in accordance with this policy. Agendas and minutes/reports for meetings in the Chamber will

be published on the Council's website in alignment with the Council's usual practice for agendas and minutes.

The public will not be invited to attend on-site meetings of the Committee.

**Minutes/Reports:** Minutes/reports will be recorded at all meetings where a Clerk is in attendance. Minutes will be recorded by note taking and a sound recording. On-site meetings may be recorded by a report when a Clerk is not in attendance. Minutes of meetings will be circulated to all members of the Committee, the Chair and Vice Chair of the Council and all/any officers who routinely through their roles are involved in the day-to-day work of the Committee's responsibilities. If a report is submitted it will be circulated to all members of the Committee, the Chair and Vice Chair of the Council, the Clerk and all/any officers who routinely through their roles are involved in the day-to-day work of the Committee's responsibilities. Any minutes/reports for submission to the Committee must be received by the Clerk by no later than Wednesday 12 p.m. the week before the meeting.

**Accountability and Scope:** The Committee will act on the behalf of the Council in the following ways:

1. oversee the renewal of quotations for any/or ground, tree or other maintenance of Council land assets.
2. oversee the renewal of quotations for any ongoing maintenance of Council built assets. (For example, toilet cleaning contracts, legionnaire drinking water testing)
3. Manage the maintenance and future planning of all Council assets or legal responsibilities as listed:
  - Gate Lane toilets
  - Moa Place toilets
  - Granny's Meade
  - Stroud Recreation Ground
  - Stroud Coppice
  - Boat park and revetment at Freshwater Bay
  - Bouys at Colwell Bay
  - Multi Use Games Area (hereinafter referred to as the MUGA)
  - Skate Park
  - Spinfish
  - Land at Simmonds Lane/Marsh Lane (balancing pond)
  - The Manorial Land:
    - Moa Place, Freshwater, Isle of Wight shown edged red on plan 2 attached
    - Grounds adjoining Gate Lane toilets, Freshwater Bay
    - School Green from Black Hut Green to Moa Place car park including the back ditch and the area in front of Moa place toilets, area inside of the Skate Park.
    - Black Hut Green including the back ditch
    - Banks of the Brook - Area off main pavement into the brook
    - Library Gardens
    - Moa Place triangle

- Brookside Road to include areas on either side of the footpath above and into the Brook including roadside and the area around the electricity substation to the tree line
  - Queens Road from Brookside to Pound Green including area outside of Freshwater Conservative Club
  - Pound Green – all grassed areas including inside the Pound
  - School Green Road opposite the Vine
  - West Green Middleton including the area in front of Sheepwash Farm
  - Norton Green – all grassed areas fronting residences in Norton Green and areas of grass fronting Pixley Hill
  - Seating area by Yarmouth Bridge.
4. Oversee the maintenance of the Jubilee field and the Memorandum of Understanding between the West Wight Sports and Community Centre Trust Limited
  5. Manage the Council project for the new skate park and pump track on the Stroud recreation ground, including the compliance with the legal agreement as detailed in the planning approval.

**Delegated Authority:** The Committee will have the following delegated authority:

1. To instruct the Clerk to request tenders on behalf of the Council for ongoing maintenance contracts.
2. To meet with and discuss land management issues with residents, to manage the budget as agreed and set out in the annual precept budget to ensure the committee responsibilities are met.
3. To action those items listed in the Council's Annual budget which fall within the responsibilities of the Committee. To agree work programmes clearly setting out the works required. To instruct the Clerk to request tenders for works. To instruct the Clerk to accept the Committee's tender recommendations in line with the approved procurement process and agreed budget for Full Council decision and then complete the agreed works. The Committee will support the Clerk during any works agreed, this may include attending sites before, during and after works are completed. These items will be reported to the Full Council in a report following any meeting where these items are discussed.
4. To instruct the Clerk to cost, tender and instruct one off works outside of maintenance contracts up to a value of £1000, provided these works are within the Committee budget (for example the removal of a dead or dying tree, reseeding grass areas damaged by improper car parking on Council land). These items will be reported to the Council in a report to the full council following the meeting when they were discussed.
5. One off works in excess of £1000 will be brought to the Full Council unless they are determined by the Clerk to be emergency works. The Clerk will notify the Chair of the Committee as soon as practically possible to any such works. If the Chair is unavailable the Clerk will notify the Vice Chair in their stead. These works will be reported to the Council at the next Full Council meeting or alternative planning meeting whichever is held first.
6. To create and manage small working groups for specific projects, invite members of the public and contractors to meetings to enable the work of the Committee as

detailed within this policy. Any such activities will be reported prior to, when practical, or after the event to the next Full Council meeting.

**Finance:** The annual budget for the Committee will be set within the Council's precept process and be agreed at a full council meeting. The monies agreed within the budget will be ring fenced for the use of the Council's land management responsibilities only. The Committee will make any additional funding requests to the Finance Committee should they occur during any financial year. It will be the Finance Committee who will determine if these additional requests should be recommended to the full council.

Finance for the committee will include the following:

1. Colwell Bay Buoys
2. Muga
3. Gate Lane toilets
4. Skate park and new skate and Pump Track project
5. Moa Place toilets
6. Allotments
7. Freshwater Bay Boat Park and revetment
8. Land management and Trees (as detailed in accountability and scope)

Any annual budget monies not spent in any financial year will be returned to the Council unless agreed at a Full Council meeting that any such monies should be ring fenced for ongoing or future agreed projects.

## **Glossary**

**MUGA** Multi use Games area

**Standing Orders** Standing orders are the written rules of a local council. They are used to confirm a council's internal organisational, administrative and procurement procedures and procedural matters for meetings.

**The Council** Freshwater Parish Council