

Cabinet Meeting	
Meeting Date	4 February 2015
Report Title	Draft Tree Policy
Cabinet Member	Cllr David Simmons, Cabinet Member for Environment
SMT Lead	Abdool Kara
Head of Service	Dave Thomas
Lead Officer	Graeme Tuff
Key Decision	Yes
Classification	Open
Forward Plan	Yes
Recommendations	<ol style="list-style-type: none"> 1. To note the report and agree the proposed consultation. 2. To delegate authority to the Head of Commissioning & Customer Contact, in conjunction with the Cabinet Member for Environment to agree the final Tree Policy following consultation.

1 Purpose of Report and Executive Summary

- 1.1 This report sets out details of a new draft Tree Policy, and also identifies the next steps for consultation and its route through committee to adoption. The draft Policy, while acknowledging the many benefits of trees, recognises that these come with a level of risk. It therefore seeks to put in place an appropriate and sustainable method of inspection and maintenance that will keep the tree stock in acceptable health and respond to customers' needs, while minimising risk and the Council's exposure to future insurance claims.
- 1.2 The Policy deals with tree inspection and maintenance on Council-owned land throughout the Borough, both in the urban landscape such as in parks, cemeteries and car parks, and also in more rural locations such as Perry Wood and Oare Gunpowder Works Country Park. As land owner, the Council has responsibilities under both civil and criminal law in terms of health and safety and damage resulting from trees, with a duty in general terms "to take reasonable care" and strike a balance between risk and benefit.
- 1.3 The Policy identifies a risk-based approach consistent with a defensible position at the lowest cost, while avoiding the loss of valued trees. The basis of this is to zone and prioritise the location of a tree (high/medium/low), therefore identifying the appropriate inspection regime. Significantly it also prioritises health and

safety works over and above nuisance issues such as shading and loss of TV signal.

2 Background

- 2.1 The Council do not currently undertake a systematic or consistent approach to inspection and maintenance of its trees. Different sections of the Council manage trees on the land for which they are responsible, and generally speaking, work has been of a reactive nature, dealing with a problem as it arises.
- 2.2 While it is important that the Council is responsive to customer requests, significant issues can arise due to lack of inspection and proactive maintenance, not least in strong winds, but also in terms of insurance subsidence claims. With the weather experienced in early in 2014 there were a significant number of trees that fell during high winds, causing damage to fences, with a number of “very near misses” in terms of property.
- 2.2 Commissioning & Open Spaces currently have one Landscape Officer who is responsible for the management of open spaces trees as part of their responsibilities, and a budget of £26,800 allocated within the Grounds Maintenance contract for specific tree maintenance in open spaces. In addition there is an additional allocation of £20,500 within the Parks & Open Spaces revenue budget for forestry/woodland work. The Council employs a Tree Preservation Officer in the Planning Team who is also available to offer specialist advice.

3 Proposals

- 3.1 The Council currently has no adopted policy in relation to the management of its trees and as such, in most cases undertakes only reactive maintenance. Having an established policy and inspection and maintenance regime will not necessarily prevent falling trees, it will satisfy the need for taking all reasonable care.
- 3.2 The draft Policy was developed with reference to other local authority tree policies and using “Common Sense Risk Management of Trees” – Guidance on trees and public safety in the UK for owners, managers and advisers, published by the National Tree Safety Group¹. It uses a risk based methodology that is responsive to the risks of individual trees.
- 3.3 In addition to guiding the method of inspection and maintenance, the Policy also identifies a standard for expertise of inspections, record keeping, contractors, a prioritisation timescale for subsequent work, a commitment to effective communication, and appropriate replanting.

¹ Common Sense Risk Management of Trees – Guidance on trees and public safety in the UK for owners, managers and advisers by the National Tree Safety Group (ISBN 978-0885538-840-9)

3.4 As previously stated, to date maintenance has tended to be reactive and there is a risk that this draft Policy and subsequent inspection and works will identify additional costs to bring the Council's tree stock to an acceptable standard. This cost is currently unknown.

4 Alternative Options

4.1 Not to put in place the proposed Policy due to the potential resource implications, but this is not recommended due to the health and safety issues, the Council's duty of care in law as land owner, and potential increased costs for the provision of insurance services through increased premiums.

5 Consultation Undertaken or Proposed

5.1 The Draft Policy once agreed by SMT will be considered by Policy Development & Review Committee on 14 January 2015, following which a period of 8 weeks consultation with stakeholders and Parish Councils will be undertaken. The Draft Policy will then be considered by Cabinet, with final Policy subject to comments from the consultation, delegated to the Head of Commissioning & Customer Contact, in conjunction with the Cabinet Member for Environment.

6 Implications

Issue	Implications
Corporate Plan	Healthy Environment
Financial, Resource and Property	<p>The Council currently has one Officer in the Open Spaces Team undertaking reactive maintenance as part of their duties with a budget of £47,300. In addition, the Tree Preservation Officer is employed for one day per week and can be called upon to provide expert advice.</p> <p>A separate report will be presented in due course, once the costs for undertaking a full survey of the Council's tree stock are known.</p>
Legal and Statutory	<p>Under Civil and Criminal Law there is a requirement to take responsibility for Health & Safety and a duty of care in relation to the Council's trees. The Tree Policy will assist the Council in meeting its duties under The Occupiers' Liability Act 1984, The Health and Safety at Work Act 1974, The Management of Health and Safety at Work Regulations 1999 and The Compensation Act 2006.</p>
Crime and Disorder	None.

Sustainability	Trees reduce and store carbon gases, help to reduce floods, reduce temperatures through shading, provide shelter, and increase biodiversity.
Health and Wellbeing	Trees contribute significantly to the health and wellbeing of residents for many well documented reasons including reducing stress, reducing incidence of asthma, and improving mental health. They also inspire cultural and spiritual values, and aesthetic appreciation.
Risk Management and Health and Safety	The new Draft Policy is based on a risk approach, considering this at the forefront of its methodology for the future management and maintenance of trees. As such risk and Health & Safety should be greatly improved. Zurich Management Services Report - Corporate Inspection Regimes Review identified the need for a council-wide tree management strategy, and that a risk-based inspection regime should be implemented.
Equality and Diversity	None.

7 Appendices

- 7.1 The following documents are to be published with this report and form part of the report:
- Appendix I: Draft Tree Policy

8 Background Papers

- 8.1 None.