

Report to the Cabinet

Meeting to be held on Thursday, 3 November 2022

Report of the Director of Strategy and Performance

Part I

Electoral Division affected:
(All Divisions);

Corporate Priorities:
Delivering better services;

Tree Risk Management Procedure (Appendix 'A' refers)

Contact for further information:

Michael Anders, Tel; 07977 159119, Tree Services Manager
michael.anders@lancashire.gov.uk

Brief Summary

The current tree risk management procedure only considers trees on or near highways land and therefore did not cover trees on other county council land across the estate. The revised tree risk management procedure relates to all trees which are on land owned by or vested in the county council. The revised procedure sets out proposed inspection frequencies for all trees which is determined by risk zone and occupancy factors.

Ensuring that risk mitigation works are carried out within the specified time frame determined by the risk posed by the defects is an area which requires close monitoring. This procedure sets out such time frames and provides protocols for bringing in additional resources to manage the risk.

Currently there are no complete records regarding which sites or vehicular highways have trees on them which the county council is responsible or liable for; or how many trees are owned by the county council, or how many are removed each year. The procedure details the tree screening procedures and the inventory and record management to ensure that accurate records are produced and maintained for trees the county council stocks.

The new procedure also includes basic levels of training and adverse weather protocols and requirements.

Recommendation

Cabinet is asked to approve the adoption of the revised Tree Risk Management Procedure as set out at Appendix 'A'.

Detail

The current tree risk management procedure (Tree safety management guidance – risk-based inspections August 2018) only covers trees on highway land or those on privately owned property which could pose a threat to the highway.

The proposal is to formally adopt a revised tree risk management procedure which seeks to include all trees across the entirety of the county council's estate, regardless of which service is responsible.

This also includes formally adopting a risk matrix for safety intervention and setting survey frequencies depending on zoning factors of occupancy and proximity to roads and property.

A copy of the revised procedure is set out at Appendix 'A'.

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Financial

There are no direct financial implications of the revised procedure at this stage. The current work being undertaken will be contained within the allocated budgets across the council. However, as the surveys are carried out, this may highlight that there are not sufficient funds to support the legacy of work required and a request for additional funding may need to be presented to Cabinet. This area of work will be closely monitored through the budget monitoring process, with any significant issues highlighted in the regular Money Matters reports to Cabinet.

Risk management

Legal

Within recent years there have been several high-profile tragic tree related accidents nationally where council owned tree stock has either shed large limbs or suffered a catastrophic collapse resulting in the death of, or life changing injuries to, members of the public. The risk to people from falling trees is exceedingly small (one in ten million according to the National Tree Safety Group) however tragedies do occur every year. One reason the risk is so small is that in most instances appropriate and timely management decisions have taken place and hazardous trees have been identified and removed.

The Health and Safety Executive in winter 2021 following from a Staffordshire County Council tree fatality urged that local authorities ensure that they have suitable

inspection systems in place including monitoring and audit provisions to guard against fatalities occurring.

The county council has a duty of care under Health and Safety at Work Act 1974, section 3(1) – it shall be the duty of every employer to conduct his undertaking in such a way as to ensure so far as is reasonably practicable that persons not in his employment who may be affected thereby are not thereby exposed to risks to their health or safety.

There is also a clear duty of care under the Occupiers Liability Act 1984 on non-highway land.

The proposed procedure better covers the county council's trees and the management of risk and the many tree diseases which cause catastrophic failure, which are difficult to diagnose and certainly could not be seen from a passing vehicle, even if slow moving, are more likely to be identified.

The Highways Act contains provisions for removal of fallen trees in highway, requests to owners to cut dead, diseased or insecurely rooted trees with default work by the county council and provisions for entering land to inspect and do works.

List of Background Papers

Paper	Date	Contact/Tel
Highways Asset Management Plan - Tree safety management guidance - Risk based inspections	August 2018	Michael Anders 07977 159119

Reason for inclusion in Part II, if appropriate

N/A