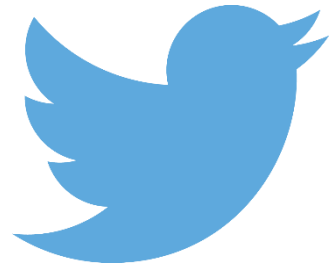




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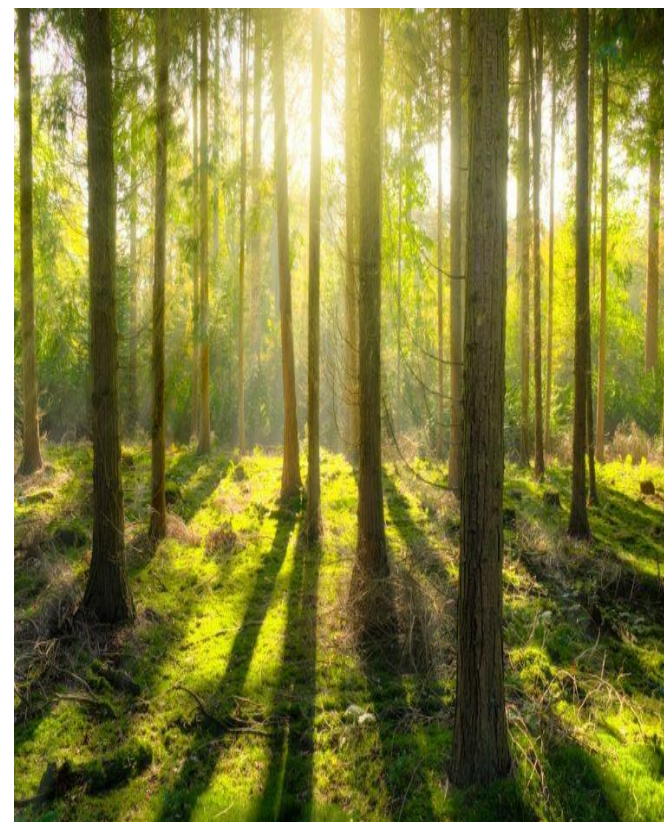
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Public Service Excellence**

Managing the inspection of local authority trees – how prepared is your authority?



Why do we need trees?

- To breathe.
- To combat climate change.
- To improve our health and clean our air.
- To provide for wildlife.
- To shelter and shade.
- To prevent flooding.
- Trees improve soil.
- Trees create jobs.
- Trees can increase house prices.
- Because we love them!





Managing trees - The law

The legal framework under both the **civil law** and **criminal law**, states an owner of land on which a tree stands has responsibilities for the health and safety of those on or near the land and has potential liabilities arising from the falling of a tree or branch.

The **civil law** gives rise to duties and potential liabilities to pay damages in the event of a breach of those duties. The duty of care is to take reasonable care to avoid acts or omissions that cause a reasonably foreseeable risk of injury to persons or property.

the **criminal law** gives rise to the risk of prosecution in the event of an infringement of the criminal law

The requirement to manage our trees

- Risk of around 1 in 10 million of being struck and killed by a tree or branch falling in or adjacent to areas of high public use.
- Case law revolves around the adequacy of the inspection regime, or frequency of inspections and the adequacy of the inspection itself (competence).
- Recent court cases have also considered the location of a tree and the potential risks should it fall, and therefore deemed more frequent inspections to be necessary.
- To impose a duty on local authorities to inspect their roadside trees in "high risk" areas on a bi-annual, or even more frequent basis, is potentially beyond the resources of many landowners.

Recent concerns

- Following a number of high profile incidents concerns raised about levels of inspections being carried out by local authorities.
- Lack of accountability and poor communications between council departments cited re. responsibility for tree management.
- APSE approached by DEFRA and MHCLG to undertake short survey on inspection regimes within local authorities. (anonymised).
- Highways inspections of particular interest.
- Aim is to identify and promote best practice.
- Survey distributed with short timescale - 26 LA's responded.



Survey questions

- How many trees is your local authority responsible for in your council area?
- How many trees in total are there in your council area?
- How many FTE tree inspectors do you employ?
- Do you provide tree inspection services in-house or is it providing through an external contractor (if by a contractor please give details).
- What is the frequency of your tree inspections?
- Do you employ a risk rating system for identified tree works as a result of tree inspections?
- Do you undertake any private tree inspections for which you make a charge?
- Do you have a tree inspection policy working practice document you would be willing to share?

Findings

- Tree numbers varied from under 10,000 to over 400,000 under direct control of LA – most were estimates.
- Woodlands were also common areas of responsibility (tree numbers patchy).
- Rarely were species types accurately recorded.
- Average number per FTE tree inspectors per authority was two – not based on tree numbers.
- Most LA's undertook tree inspections in-house.
- Wide variety of inspection frequencies:
 - Frequency based on time
 - Frequency based on types of locations: highways, schools
 - Reactive to complaints/concerns
- Most LA's had clear criteria **based on location**.

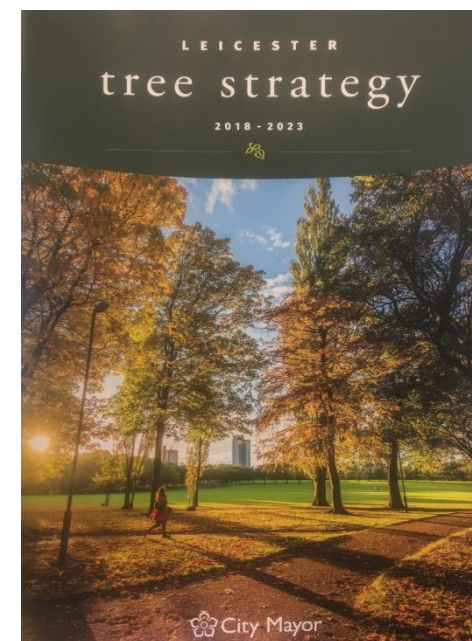
Risk Rating Inspections

- How are inspection frequencies determined ?
- Most LA's stated that they used a risk rating to determine inspection frequencies.
- Location/type of tree often determined frequency.
- **Quantitative Tree Risk Assessment Methodology** – 'a decision-making framework which considers the balance between the benefits provided by trees, levels of risk they pose, and costs of risk management'.
- 'Common sense'



The importance of regular tree inspections

- To ensure tree locations, species type and healthiness of trees are understood
- Assess risk of tree failure
- Meet the requirements of both civil and criminal law
- Identify areas which could benefit from increased tree cover.
- Identify trees of significant cultural and historic value.
- Use findings to develop tree management strategy



Future Considerations

- Litigation may increase as new threats to tree health increase.
- Ash die back has already become a significant problem with associated risks – (Plymouth City Council has 57% of 500 trees infected and plan to remove trees in high priority areas).
- Potential for up to 95% of ash trees in UK to be lost or severely affected.
- Emerald ash borer beetle!
- Budget cuts may impact on ability to carry out required number of inspections thereby increasing potential risks.
- Government and other agencies pledges to increase tree cover to combat climate change will add increased pressure on tree inspections as well as potential for new pests and diseases.
- **INCREASING NEED TO BE VIGILANT THROUGH REGULAR AND RISK BASED TREE INSPECTION PROGRAMMES.**

NEW MUNICIPALISM

Delivering for local people and local economies



Contact details

Wayne Priestley, Principal Advisor

Email: wpriestley@address.org.uk



GB 11409



GB 11132



GB 14074

Association for Public Service Excellence

3rd floor, Trafford House, Chester Road,
Old Trafford, Manchester M32 0RS.

telephone: 0161 772 1810

web: www.apse.org.uk