

Relevant Legislation

Management of Health and Safety at Work Regulations 1999

Occupiers' Liability Acts 1957 and 1984

Highways Act 1980

Local Government (Miscellaneous Provisions) Act 1976

General

Trees are essential to the creation of an environmentally sustainable and economically successful County. The benefits of trees are well known. Trees enhance the quality of life in the urban environment and form an important part of its diversity. They contribute to general health and well being and enhance the enjoyment of rural activities.

Trees help to modify the climate by providing shade and reducing wind speeds, they release oxygen, whilst absorbing carbon dioxide, and are important in reducing airborne pollutants particularly particulates. In doing these things they can have an impact on reducing the impact of asthma, skin cancer and stress-related illnesses.

Trees provide colour, form and texture for the environment and enhance property values by framing buildings and screening eyesores. In addition, they provide valuable refuges and habitats for wildlife, including nesting sites, food and shelter for birds, bats and invertebrates.

The Council's Responsibilities as Land Owner

As a landowner the Council has a duty of care to ensure that all trees on its land are kept in an acceptable condition and do not put persons and property at unreasonable risk.

The Occupiers' Liability Acts 1957 and 1984 require the Council to have a common duty of care to all visitors. These Acts require the Council to take reasonable care to maintain its land in such a condition that it does not harm any person or damage any property. The duty of care is extended where the Council invites the public onto land for recreation.

The Management of Health and Safety at Work Regulations 1999 require the Council to manage trees and undertake work on them with regard to the health and safety of the public and employees. Failure to do so could lead to criminal action against the Council by the Health and Safety Executive.

Management of Trees

Well-developed maintenance programmes for public trees are essential for maintaining tree health, ensuring that public safety is not compromised and protecting infrastructure from damage.

The inspection and maintenance of trees is the responsibility of certain sections within the Council depending on the location of the trees.

Trees within the Highway are the responsibility of the Neighbourhood Services Division. Area based Tree and Woodland Officers carry out inspections and manage the trees through fully trained and competent in house tree teams. Trees adjacent to the Highway, that are on private land or within hedgerows, are the responsibility of individual land owners, though the County Council still has a duty of care regarding these trees and has a responsibility to report any problems to the land owner and ensure that remedial works are carried out. In circumstances of non-compliance, the Council has powers under Section 23 of the Local Government (Miscellaneous Provisions) Act 1976, to deal directly with dangerous trees and recover the costs from the landowner.

Trees within County Council owned parks, country parks, open spaces and reclamation sites are inspected and managed by the Neighbourhood Services Division through the Tree and Woodland Officers and area based tree teams.

Neighbourhood Services also inspect and manage trees at closed churchyards and cemeteries. In the south east of the county Neighbourhood Services retain a responsibility for the trees in active churchyards and cemeteries.

The Parish Councils have a responsibility for maintaining playgrounds generally and this includes the trees located within them.

The Property Services Division inspects trees at County Council premises, including school grounds, vacant properties and other premises in County Council ownership. Inspection of school grounds takes place on an annual basis and is performed as part of the council's maintenance and inspection service by the statutory maintenance team. Significant findings are reported to the budget holder who is then responsible for having any remedial works carried out although this may be arranged through Property Services if the school or centre subscribes to the councils Repair and Maintenance Service Level Agreement. Inspections are also carried out following queries from the public and neighbouring landowners. Trees are also surveyed and inspected prior to the sale and acquisition of property or when there is a change of use of premises. A small number of schools have opted out of the council's statutory maintenance and inspection service. In these cases, the individual school is responsible for the inspection and management of its own trees.

Dealing with Rope Swings

Arrangements are also in place for dealing with rope swings on trees which are located on Council premises or fall within the Council's control. Premises and grounds are routinely inspected for reasons of general health and safety. If, following these inspections, tree swings are found then the manager responsible for the site should complete a specific site assessment. This will describe the arrangements for enhanced inspection frequencies, keeping records of rope swings following removal and the methods of removal.

Other Arrangements

Property Services notifies schools or the appropriate representatives at other premises covered by the statutory inspection process of any issues regarding trees. This is completed in writing following scheduled site visits.

Inspections of trees located on County Council premises also take place following complaints, queries or observations by members of the public. Site managers are also notified in writing of the findings of these inspections, where appropriate. Neighbourhood Services control their own budget for works to trees on the highway, within parks and open spaces, Country Parks and Reclamation sites and other areas under their control. Works are then programmed directly by the Trees and Woodland Officers through the in-house tree teams.