

## **EAST AYRSHIRE COUNCIL**

**COMMUNITY SERVICES COMMITTEE – 14 SEPTEMBER 2005**

### **TREE INSPECTION ARRANGEMENTS**

#### **Report by Executive Director of Neighbourhood Services**

#### **1. PURPOSE OF REPORT**

- 1.1 The purpose of this report is to advise the Committee of the establishment of a new staff team to address tree inspection issues across East Ayrshire.

#### **2. BACKGROUND**

- 2.1 The Health and Safety Executive (HSE) has recently highlighted the role and responsibility of local authorities with regard to the safety of trees. This action followed fatal accidents involving falling trees.
- 2.2 HSE has confirmed that the Council has a duty of care to parties on their land, roads or footpaths to take reasonable care to prevent loss or injury and, if as a result of a breach of that duty of care, loss or injury occurs, the Council could be liable.
- 2.3 In addition, the Council has potential liabilities in relation to trees on private land where the current powers to serve notice on the owner of land or trees that may be a danger or obstruction to vehicles or pedestrians are not being utilised effectively. (Powers under the Roads (Scotland) Act 1984 Section 91).

#### **3. CONSIDERATIONS**

- 3.1 The Council's Corporate Management Team have considered this issue and have reviewed the Council's position relating to inspection of trees and, in doing so, have agreed to establish a dedicated Tree Safety Team within the Outdoor Amenities Section to implement an effective tree inspection programme.
- 3.2 This team of three staff will be created using existing funding and will consist of two Arboricultural Officers supported by a Systems Assistant to record the results of inspections. The team will be based on the model successfully used to address cemetery safety issues. The team will be established in November 2005 and will begin work immediately.

- 3.3 The team will carry out a prioritised programme of tree inspections, recording the inspection findings and providing reports for the departments responsible for the trees. The responsible departments will be required to ensure that any necessary works are implemented.
- 3.4 The initial inspection programmes will be carried out using the following priorities which are based on a detailed risk assessment.

High Priority: Schools; Main Roads; Main Footpaths; Car Parks; Public Paths and Public Buildings

Medium Priority: Intermediate Roads; Housing Areas; Minor Footpaths; Open Spaces

Low Priority: Minor Roads; Woodland Areas

Inspection programmes will be agreed with responsible departments before starting.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 The additional costs of establishing the Tree Safety Team have been met from existing Council resources.
- 4.2 The costs of carrying out any necessary remedial work in response to a tree inspection will continue to fall to the responsible department or the tree/landowner.

#### **5. LEGAL AUTHORITY/IMPLICATIONS**

- 5.1 The Council's responsibilities relating to tree safety are summarised at section 2 of this report.
- 5.2 The Council's duty of care would be partially met by the introduction of an appropriate tree inspection programme. Departments with a responsibility for trees would need to ensure that they take appropriate action to respond to tree safety reports if the Council is to be seen to reasonably deliver its duty of care.

#### **6. POLICY/COMMUNITY PLAN IMPLICATIONS**

- 6.1 The new tree inspection arrangements are in line with the Community Plan commitments to Community Safety. Reducing the risks of injury and potential claims against the Council is in line with the Council's commitment to effective corporate governance.

## **7. CONCLUSIONS**

- 7.1 The implementation of revised tree inspection arrangements through the establishment of a Tree Safety Team in the Outdoor Amenities Section will allow the Council to address key elements of its duty of care relating to trees.

## **8. RECOMMENDATIONS**

- 8.1 It is recommended that the Committee note the introduction of new tree inspection arrangements across East Ayrshire.

William Stafford  
**Executive Director of Neighbourhood Services**

WS/JAG/KH

5<sup>TH</sup> July 2005

### **LIST OF BACKGROUND PAPERS**

1. Report to Corporate Management Team dated 30<sup>th</sup> March 2005
2. Report to Corporate Management Team dated 25<sup>th</sup> May 2005

Any person wishing to inspect the background papers listed above should contact John Griffiths, Head of Leisure Services, on 01563 578179.

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