

# City Area (community)

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## REPORT

**Author: Reg Williams**  
**Parks Manager**  
**01722 434239**  
**[rwilliams@salisbury.gov.uk](mailto:rwilliams@salisbury.gov.uk)**

**TREE MANAGEMENT: Please note this report is being considered by both the Cabinet (24th September 03) and CAC Community Committee (4<sup>th</sup> November 03)**

### 1. Introduction :

- 1.1. Salisbury District Council (SDC) is the owner, and has responsibility for, all trees which are situated on the 400 plus square miles the City and District cover
- 1.2. Trees are "owned" by several Service Units of the Authority,
  - Environmental Services - parks, open spaces, crematorium, cemeteries, estates
  - Housing - sheltered housing schemes, sewer sites, council houses
  - Forward Planning - car parks, park and ride site(s), market square
  - Legal & Property - Council offices
- 1.3. By far the largest responsibility falls to the Environmental Services department with the Parks section being the managers

### 2. Background:

- 2.1. All tree enquiries, however or wherever received are directed within SDC to the Parks section (aside from TPO and development queries mentioned at 2.3 below) so that there is one section Council wide dealing with the day to day management of SDC's tree stock.
- 2.2. The Senior Parks Officer currently considers, checks and actions works deemed necessary. The management of trees was originally a relatively minor role but it is increasingly becoming more and more prominent, often to the detriment of other Parks/grounds issues. Trees are currently taking up to approximately 70% of his time which is increasingly having an impact on other duties which need to be done.
- 2.3. The Development Services department currently employs a full time Arboricultural Officer who deals solely with TPO's (tree preservation orders) and tree issues as they relate to planning applications/development in the area. There is not scope for this Officer to become involved in general tree issues except in exceptional circumstances.

### 3. Current Situation

- 3.1. A mixture of recent case law, Health and Safety implications and storm damage has significantly raised the profile of how Local Authorities manage their tree stock - especially by insurance companies and the public generally.
- 3.2. No SDC wide survey has ever been undertaken to identify,
  - The number of trees owned by SDC
  - Where these trees are located
  - The condition of these trees
  - A risk assessment of these trees
- 3.3. The Parks section are only able to manage trees very much on a reactive basis, and with no tree policy in place are concerned that the stock is not being effectively managed either in the short or long term.

- 3.4. Officers firmly believe there is becoming an increasingly high Health and Safety risk with regard to trees. The tree stock within the SDC area is becoming over mature and is therefore requiring an increasingly high degree of maintenance.
  - 3.5. Equally worrying, though not on safety grounds, is the lack of a tree planting programme.
4. **SDC Claims:**
- 4.1. In recent years SDC has received several claims against it as a result of falling trees and/or large limbs, primarily as a result of storms.
  - 4.2. There is a requirement placed upon SDC to assess risks to the Health and Safety of persons not in its employment
  - 4.3. Thankfully there have been no serious injuries to personnel. There has though been a significant amount of serious damage to vehicles and property. It is by sheer good fortune that people weren't in the vehicles in particular at the time some incidents occurred or serious injury or fatalities would have been almost certain.
  - 4.4. The risk to SDC in all sorts of ways is, we believe, very real and potentially very serious
  - 4.5. In the main claims are treated by Zurich Municipal as "Act of God" (and claimants must then claim via their own insurance), but this assumption is increasingly being challenged, especially if no proactive tree management system is operated.
5. **Other Local Authorities:**
- 5.1. The Parks section sent out a questionnaire to a variety of other Local Authorities earlier this year to ascertain how trees are managed elsewhere.
  - 5.2. To date 31 replies have been received with a summary of the replies as follows:
    - With 4 exceptions, all the Authorities employ at least one specialist full time Arboricultural Officer aside from whoever deals with TPO issues
    - 22 of the 31 Authorities undertake arboricultural works via specialist companies, the balance have either an "in house" arboriculture team or use a mix of both.
    - Half the Authorities claim to be either proactive or partially proactive in the management of their tree stock
    - Two thirds of the Authorities have an active annual tree planting scheme in place
    - Revenue budgets for routine work and tree replacements vary wildly (see Finance heading)
    - Half the Authorities either have a survey of their trees or are in the process of getting one
    - Only 9 Authorities are currently using some form of electronic system to plot trees "in the field", though most others mentioned that they were looking into this type of data capture
  - 5.3. There have been a number of legal cases involving Local Authorities recently, with the courts homing in on the Authorities inspection/maintenance regimes. Where the courts have ruled against the Authorities it has mainly been down to a lack of a proactive, recorded approach to tree management and significant fines/costs have been imposed
6. **How SDC Manages Trees:**
- 6.1. The Parks section employs fully qualified and experienced horticulturists. None of the Parks section staff are fully qualified arboriculturalists. The two most senior Parks staff both have reasonable arboricultural knowledge and a high level of experience and in the past this combination, along with a little outside help when needed, has been sufficient to deal with tree issues. But as issues such as Health & Safety (in relation to trees), an increasing claims culture and an increasing level of public requests develops they are both feeling increasingly concerned and vulnerable. Should issues arise for which they have required more specialist knowledge then this has been sought via local tree surgeons or, in rare cases, via the Arboriculture officer in Development services
  - 6.2. In an attempt to plug this skills shortage the Senior Parks Officer has now started an HNC course in arboriculture but this will not finish for a further 18 months. Whilst this will potentially fill a professional gap, this is not the role for which he is or was originally employed
  - 6.3. The management of trees is extremely contentious for those members of the public making the requests. The majority of requests taken from the public are for trees to be felled and removed, usually down to light issues, a perception of what would happen if the tree did fall over and the mess they cause in the Autumn.
  - 6.4. In the majority of cases the tree in question is perfectly healthy, though in most cases some routine work would be desirable. The difference between what is usually requested and what we believe

should or are able to do is often a great cause of confrontation and conflict. Any storm always heightens this problem significantly.

6.5. Virtually all arboricultural work is currently undertaken via external contractors.

6.6. All tree related calls to the Parks office are logged on an Access based query system built in house.

## **7. Trees and IT:**

7.1. In terms of trees, by far the biggest issue facing SDC is how to survey, gather up and then organise the information in order to ascertain what is owned, where it is and most importantly what the scale of the problem is.

7.2. It is only once the full tree picture is known that a long term proactive maintenance and replanting strategy can be put in place

7.3. The most cost effective way to undertake a survey would be to utilise a palm top computer which is specifically designed to plot tree locations, condition, type and size whilst out in the field. The advantage is that the tree is given a unique reference and is plotted using a satellite based GPS (Global Positioning System) so its location is extremely accurate. It is also possible to survey a large number of trees per day. The information gathered via the palm top is then down loaded to the Council's main server upon return. Once downloaded, a comprehensive database can be built up with each tree having its own identity, location and maintenance record. Future maintenance can then be proactive, based around a risk analysis assessment carried out as part of the data capture procedure.

7.4. SDC does already have some of the component parts of IT to allow this to proceed. For instance, Parks have a software programme called FastTrees loaded and SDC corporately has a GIS system. What SDC does not own is the palm top technology for use on site.

## **8. Finances: (Existing)**

8.1. The revenue budgets for tree maintenance are split between the City Precept and the General Fund. Works to trees on sheltered housing schemes, sewer sites or in Council house gardens are funded via the HRA, though no specific "tree" maintenance budget is set up.

8.2. For 2003/04 there is a £10,000 revenue budget (general fund) and £9,060 (precept)

8.3. These budgets come nowhere near to meeting the demand for tree works and are spent entirely in a reactive way. They are invariably quite heavily overspent, usually due to work required after a storm (the storm in late 2002 cost approximately £6,500 for instance - or just under 40% of the total annual revenue budget for one incident). A significant number of requests for work are not actioned at all as the budget means that only work considered absolutely essential is authorised.

8.4. Revenue budgets vary wildly from one Authority to another. SDC is very much at the lower end of the spectrum but has one of the largest geographical areas, and almost certainly therefore owns a much higher than average number of trees. What is noticeable from the survey carried out is that those Authorities who either have or are in the process of undertaking tree surveys tend to have much higher revenue budgets (£150,000 p/a in Basingstoke BC for example!). This is almost certainly down to the fact that the survey drives what is needed/required which in turn drives the budgets.

8.5. In addition there is a £1,500 precept budget p/a for new tree planting. This equates to planting approximately 25 new trees p/a at 12/14cm or larger (a 12/14 tree is a largish tree just about moveable when bare-root by 1 person! Its size tends to deter vandalism). This number falls way short of the number of trees actually felled and removed each year. There is currently no general fund budget for tree planting.

## **9. Finances: (Possible Requirements)**

9.1. Before an accurate revenue budget can be set, SDC needs to know what it owns, where it is, its condition and the level of works needed. The outcomes from such a survey will drive staff requirements and budgets in the medium term.

9.2. Assuming that the Council's existing GIS and tree software can be used, a data capture pen based computer can be purchased for approximately £3,500 plus VAT for which no current budget is available

9.3. If however a new tree management package is required then these are available from £10,000 upwards.

- 9.4. It is estimated that a survey would cost approximately £35,000 for which there is no current budget provision. This procurement can be achieved in a variety of ways, though the most likely is via appointing an arboricultural company to undertake the survey on behalf of SDC for a fixed price quotation.
- 9.5. Once a survey was underway it is likely that more accurate revenue budgets can be suggested, based upon the level of risk identified.
- 9.6. At the same time it would make sense to set up a tree planting strategy for the future.

**Note:** The costs highlighted in 9.1 - 9.6 above would be split between the precept (40%), general fund (55%) and HRA (5%).

#### 10. Possible Timetable:

- 10.1. It is suggested that a survey of all precept, general fund and HRA trees is implemented during 2004/05. Once sufficient survey information is available to draw conclusions, a further report will be submitted during 2004/05 regarding future staffing, budget and HRA implications.

#### 11. Conclusions:

- 11.1. SDC is currently the owner of a significant asset by way of trees
- 11.2. Unlike its other assets, SDC has no idea of how many there are or their condition
- 11.3. With the increase in the claims culture, and Health & Safety being so important, Officers are feeling that both they personally and SDC as a body are extremely exposed and vulnerable.
- 11.4. In light of some court rulings and the level of fines imposed and damages awarded, it is considered essential that some form of proactive tree management is implemented to protect the Authorities best interests.

#### 12. Recommendations:

It is recommended that:

- 12.1. The IT Department and Parks section investigate the technologies available and their compatibilities to current SDC systems with a view to purchasing a palm top data capture unit.
- 12.2. That a condition survey of the SDC tree stock is undertaken during 2004/05
- 12.3. That a non-recurring growth bid be submitted in the sum of £38,500 to finance the items at 9.2 and 9.4 above during 2004/05

**Note:** This report will need to be considered by both the City Area Committee (for the precept implications) and Cabinet (for the general fund and HRA implications). The recommendations from each will need to be co-ordinated in order to achieve the most efficient way forward. However, it will be feasible to proceed should only one Committee wish to proceed.

#### 13. Implications:

- 13.1. **Financial:** Contained in the report
- 13.2. **Legal:** A landowner that allows trees to become dangerous so as to be liable to cause damage may be liable both in nuisance and in negligence. In order to seek to avoid potential liability a landowner needs to show both that there is a systematic inspection regime, which is carried out, and that reasonable steps are taken to prevent/minimise any danger within a reasonable time following inspection.
- 13.3. **Personnel:** Contained in the report
- 13.4. **Community Safety:** The implications of a large tree falling onto people are potentially extremely serious. All members of society are potentially at risk.
- 13.5. **Human Rights:** None in relation to this report
- 13.6. **Ward(s) Affected:** All in the SDC area

#### 14. Consultation Undertaken: G Silver, S Thorne, A Poulton, J Wickens, J Carter, G Hatcher, A Osbourne, J Crawford, M Griffiths, C Richardson, D Streek.