

TONBRIDGE & MALLING BOROUGH COUNCIL

COMMUNITY AND ENVIRONMENT SCRUTINY SELECT COMMITTEE

14 June 2023

Report of the Director of Street Scene, Leisure & Technical Services

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 TREE SAFETY POLICY

Summary

This report advises on the Council's current policy in regard to the health and safety management of its own tree stock and identifies potential alterations to the policy following a review by Officers and the Council's Insurers.

1.1 Background

- 1.1.1 The Council's current Policy covers trees on all Borough Council owned sites including Country Parks, Tonbridge Castle grounds, Tonbridge Cemetery, sportsgrounds, woodlands, general public open spaces and Council owned car parks. The Council is responsible for an estimated 2,500 non woodland trees and woodlands which are estimated to contain between 2,000-10,000 trees per woodland.

1.2 Current Policy

- 1.2.1 The current health and safety management of trees is dictated by the Council's Tree Safety Policy which was adopted in 2010. The Policy has been subject to previous reviews and updates with the latest being October 2021. A copy of the current Policy can be found at **Annex 1**.
- 1.2.2 The Policy aims to address the following key issues:
- to ensure the management of the Council's tree stock contributes to making the environment safe, attractive and sustainable.
 - to provide formal policies that enable the Borough Council to conform to best practice in the management of its trees, in relation to health and safety.
- 1.2.3 Fundamentally the Policy sets out the Council's approach to health and safety inspections identifying which trees need inspecting, the frequency of inspections and the competency required to undertake them. In summary, every individual mature tree is currently subject to a formal 'Expert' inspection every three years

and this is undertaken through the Council's current grounds maintenance contract. Trees located at high profile/high use sites are also subject to a 'Basic' inspection every other year when an 'Expert' inspection isn't being undertaken at that particular site with these inspections being undertaken by appropriately trained Leisure staff. In addition, trees on high profile/high use sites are inspected following 'storm' conditions (Policy 4 with the Tree Safety Policy) also by Leisure staff.

- 1.2.4 The Policy continues to outline the time frame for rectification of any defects found and the recording process.

1.3 Review of Current Policy

- 1.3.1 The current review sought comments on the Council's existing Policy from its insurers Zurich and this was undertaken by their Liability Risk Consultant. A full copy of the Zurich Report can be found at **Annex 2**.
- 1.3.2 In summary the report concluded that the *"policy therein demonstrates there is well- documented evidence of a risk-based approach that TMBC have adopted in relation to their management of their tree liability risks. This report has found no major faults in the documentation that has been presented however does make some recommendations to improve how the document can be relied upon from a claim's defensibility perspective."*
- 1.3.3 The 10 recommendations are detailed within the Zurich report at **Annex 2** though have been specifically drawn out in the table at **Annex 3**. The Zurich report/ recommendations and the Tree Safety Policy were also shared with the Council's Health and Safety Officer and their comments on the Zurich recommendations can also be found within the table at **Annex 3**. Additional comments were also received from the Health and Safety Officer, and these are shown at **Annex 3a**.
- 1.3.4 In response to both the Zurich recommendations and the comments from the Council's Health and Safety Officer, **Annex 3 and Annex 3a** also proposes amendments to the current Policy for consideration by Members of this Committee.

1.4 Legal Implications

- 1.4.1 The current Policy identifies the Council's legal responsibilities and Duty of Care in regard to the management of its tree stock.

1.5 Financial and Value for Money Considerations

- 1.5.1 It is essential that works arising as a result of this policy are actioned in accordance with the time frame identified. The Council's current estimated budget for tree works for 2023/24 is £80,000.

- 1.5.2 Whilst this is an estimate, costs will fluctuate dependant on work required and this will be influenced on an annual basis by a number of factors including weather conditions. Other implications such as Ash Die Back are also impacting on work required and resulting costs.

1.6 Risk Assessment

- 1.6.1 As identified by Zurich and within the Council's Policy it is essential that a risk based approach is taken to the management of the Council's tree stock with regard to health and safety.

1.7 Equality Impact Assessment

- 1.7.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.8 Policy Considerations

- 1.8.1 Asset Management, Biodiversity & Sustainability, Health and Safety and Community.

1.9 Recommendations

- 1.9.1 Members of the Committee are invited to comment on the Council's existing Tree Safety Policy and, taking into consideration the recommendations from Zurich and comments from the Council's Health and Safety Officer, bring forward any proposed alterations to the policy to Cabinet.

The Director of Street Scene, Leisure & Technical Services confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

contact: Darren Lanes

Nil

Robert Styles

Director of Street Scene, Leisure & Technical Services