



REPORT TO: Cabinet

DATE: 19th October 2005

REPORTING OFFICER: Head of Parks and Open Spaces
(*P. Kilburn*)
(*P. Casey* Arboricultural Manager)

SUBJECT: **STRATEGIC TREE RISK MANAGEMENT**

WARDS AFFECTED: ALL

1.0 PURPOSE OF THE REPORT

- 1.1 To look at the national guidance, risks and health & safety implications for trees managed by Harrogate Borough Council and to identify the potential risks posed by these trees and to explore the most appropriate way of inspecting them.
- 1.2 To clarify the Legal situation in terms of the Council's responsibilities regarding the safe management of trees situated on land managed by Harrogate Borough Council.
- 1.3 To detail, and estimate the cost of, a defensible system to manage the potential risks at a reasonable level.
- 1.4 Consultation has been undertaken with relevant departmental staff and through a report to CMT.
- 1.5 A copy of the full report has been deposited in the Members' room.

2.0 RECOMMENDATIONS

- 2.1 That the proposed Strategic Tree Risk Management system be approved.
- 2.2 That, pending further liaison with North Yorkshire County Council, the potential costs be noted and considered as a potential growth bid against the 2006/07 budget, taking into account the implications of funding the work within existing budgets.

3.0 REASONS FOR RECOMMENDATIONS

- 3.1 The proposal outlined is the most appropriate approach based upon the current situation, industry guidelines, existing resources and perceived risk.
- 3.2 The proposed system will reduce the likelihood of potential tree failures, resulting damage, injury or death.
- 3.2 The proposal will reduce the potential for successful claims and resulting financial loss against the Council. It will also reduce the potential for litigation.

4.0 ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

4.1 Continue with existing systems

The existing inspection regime is considered inadequate because it only covers a small proportion of trees and is only undertaken when existing resources allow. Recommended for rejection as it does not fulfil the requirements in association with industry guidelines and perceived risk.

4.2 Inspect all trees annually

Legally, the system of inspection has to be 'reasonable'. Annual inspections of all trees is not considered necessary and the resources required would greatly outweigh the actual benefits. Recommended for rejection, as it would result in unreasonable costs.

5.0 SUMMARY

- 5.1 Harrogate Borough Council currently manage an extensive tree stock including street trees in Harrogate & Knaresborough, council housing land, public open spaces, cemeteries and woodland. All of these trees have the potential to affect people who come into contact with them in their day-to-day lives. As managers of the trees we have a legal duty to protect the general public from **foreseeable** hazards that exist. Failure to do so could result in claims of negligence being brought against the Council. In extreme cases, where death is involved, such claims could lead to corporate manslaughter charges or civil action. **Recent statistics have indicated that trees kill and injure more people than any other field of local authority responsibility.**
- 5.2 The Arboricultural section currently operates a limited street tree inspection system. This system is not as effective as guidance suggests and could leave the council open to claims should there be a failure. This system only encompasses those trees situated beside the highway. (In terms of numbers, this is only a small percentage of the total trees under the responsibility of the council – approximately 2500 on highways and projections of up to 8 -10,000 in all other areas). It is funded through a limited budget that is subject to numerous other demands and was not initially set up for that purpose. Although the current system has allowed the council to defend a number of

claims in relation to street trees, its sustainability is in doubt whilst its remit is seen to be too narrow. There are many thousands of other trees that are also under the responsibility of the Council that currently receive no formal inspection at all. It is to be expected that some of these trees may pose a foreseeable hazard to people and property.

- 5.3 However, it is worth noting that since my appointment with Harrogate Borough Council (April 2005), I have undertaken a number of site visits where, by pure chance only, 3 'dangerous' trees have been identified that would not normally have been picked up on the current tree survey programme or within what would be thought of as being a reasonable period of time. If these trees had not been identified this year, I would not be confident in stating that they would have stayed standing upright for a further 12 months. If projections are made based on the number of 'dangerous' trees I have identified (3 trees out of approx. 100 site visits) out of the number of trees under HBC management (approximately 8000 in total), I would estimate that there may be as many as **240** 'dangerous' trees located with the HBC boundaries. It would be fair to assume that some of these 'dangerous' trees will be located within 'High Target' areas.
- 5.4 In order to reduce the size and number of potential hazards, and thereby reduce the risk of claims against the council, a system of inspection and assessment is required. The system should be reasonable, practicable and based on the general principles of risk assessment (the likelihood of failure, the 'value' of the targets and the severity of the impact should failure occur). The system should also have clear and concise records and be subject to review and audit procedures.
- 5.5 The proposal details such a system based on these principles and encompasses all trees on council managed land. It prioritises those trees considered to pose the greatest risk, e.g. trees beside busy highways against those in quieter areas. With knowledge of the existing sites, an estimation of time required for inspections has been given. The likely workload equates to a full-time position for one member of staff with an estimated salary of scale 4.
- 5.6 The financial implications of implementing this system are considered reasonable when compared to the potential losses that may be suffered in the event of a significant incident.
- 5.7 There are various options available with regard to the funding of this system. These are discussed below and contained within the **detailed report**, which has been **deposited in the Member's room**.
- 5.8 **FINANCIAL IMPLICATIONS** (taken from the main body of the report)
- 5.8.1 **Staff Resources:** With knowledge of the location and rough numbers of existing trees on council owned and managed land, I have divided the areas up with consideration for potential risk being the primary factor. Based on the system detailed in sections 4.0 & 6.0 of

the main report, I have estimated the time necessary for undertaking the inspections as follows:

- Highways – 80 days per year (based on trials undertaken in 2004)
- Parks & Open spaces – 55 days (based on inspection of 1/3 to 1/4 of sites per year)
- Housing – 70 days (based on inspection of 1/3 of sites per year)
- Cemeteries – 5 days per year
- Woodlands – 10 days per year

5.8.2 This system will allow for **all** trees to be inspected at least once every 5-year period. This is the generally accepted maximum cyclic period for the inspection of trees owned by Local Authorities. This figure is taken from the *Trunk Road Maintenance Manual* (1999). This workload roughly equates to a single full-time position as a 'Tree Inspector'.

5.8.3 **I.T. Costs:** With consideration for efficiency in data capture, record keeping and continuity of the system, a suitable computer based software package is recommended. There are numerous 'tree based' systems on the market that can be adapted to fit our specific requirements. The Arboricultural section has carried out research in this area looking at packages that are compatible with the existing IT systems allowing GIS, GPS (Geographical Positioning System) and digital image technology. I would estimate that a suitable package such as 'Treewise' including a hand held data capture device will have an initial cost of approx £7000 with an annual service / update cost of approx £500. The Director of Resources has confirmed that the one-off software purchase costs can be met from the IT reserve.

5.8.4 **Costs:** I have calculated that the total cost of this system for its first year will be in the region of £30,130 falling to around £24,380 in subsequent years.

	Total First Year	Annual On-Going Costs
	£	£
Ongoing Costs		
New Post – Tree Inspector		
• Advertising the post:	1,000	
• Salary* (2005/06):	19,656	21,910
• Essential Car User Allowance:	1,974	1,974
Software		
• IT: software Service/update:	500	500
Total recurring Costs:	23,130	24,384
One-off software purchase costs	7,000	
	30,130	24,384

Costs are shown at 2005/06 levels

* First year salary costs are shown at bottom of grade (Scale 4). Ongoing costs shown at top of grade.

5.8.5 It is important to place these figures into context by considering that the probable claim from the one limb failing from one tree (as noted in a recent case) may cost the council or its insurers around £20K.

5.8.6 **Funding Proposals:** Implementing a strategic tree risk management system will have implications for a number of Council services. Primarily there are significant tree populations on land managed by DCS (Parks & Housing Land) and DDS.

5.8.7 By dividing the expected costs of running the system by the percentage of time spent on the trees from each service department we arrive at the following figures.

Section	Responsible for trees in:	Total days	As a %	Cost 1 st Year (£)	Annual Cost thereafter (£)
PARKS (DCS)	Parks/Woodlands/ Cemeteries	70	32%	7,420	7,803
HOUSING (DCS)*	Housing land	70	32%	7,420	7,803
DDS	Highways/Streets in Agency areas	80	36%	8,326	8,778
TOTAL:				£23,130	£24,384

*Chargeable to Housing Revenue Account.

5.8.8 To a limited extent it will be possible to contain costs within existing budgets as follows:

Parks: 50% of costs can be met from the Arboricultural Budget provision for a student placement. If 100% of costs had to be funded from existing budgets this would involve service cutbacks (specific options are identified by the Head of Parks & Open Spaces in the main report).

Housing: These costs can be met from the existing Housing Revenue Account Horticultural Maintenance budget. If inspections and/or reactive requests for work mean the budget is exceeded this will be met from within HRA possibly from offsetting savings from within the Horticultural Maintenance budget.

DDS: The Director of Development Services has stressed the reductions in the Highways Maintenance payments by North Yorkshire County Council and the fact that meeting inspection costs would leave less money available for remedial tree works and other highways-related works required from Health and Safety inspections, increasing the risk of claims from 'trips and slips'.

North Yorkshire County Council has confirmed its intention to implement a County-wide tree survey policy from April 2006. It is understood however that this will not involve initial inspections by a trained arborist, which is considered essential from a risk management perspective, by Harrogate Borough Council officers. Discussions continue to take place with North Yorkshire County Council to clarify respective legal and funding responsibilities. In the meantime, the following cost analysis assumes inspection of trees alongside Highways by the proposed Harrogate Borough Council Tree Inspector.

5.8.9 The following table presents the 'worst-case' potential budget implication, based on staff salary calculated at top of grade.

Budget	Cost (£)	Potential Budget Growth (£)
GENERAL FUND		
Parks (DCS)	7,803	3,902
Highways (DDS)	8,778	8,778
TOTAL	16,581	12,680*

* These costs may be reduced by any offsetting savings agreed within the Parks & Open Spaces budget and/or any additional income offered by North Yorkshire County Council.

Housing costs are to be met from within existing Housing Revenue Account budgets.

5.8.10 Cabinet are asked to consider the potential cost implications to the Council and, in particular, the potential effects and risks of seeking to fund this work wholly from within existing budgets.

5.8.11 It is recommended that, pending further liaison with North Yorkshire County Council, at this stage Cabinet acknowledge the provisional need for a growth bid to be fully determined as part of the 2006/07 budget process and in the light of information regarding:

- North Yorkshire's position
- The effect of financing this work from existing Harrogate Borough Council budgets.

Officer: Paul Casey, Arboricultural Manager

Should you require further information on the contents of this report, the reporting officer can be contacted at Brandreth House, St Luke's Avenue, Harrogate HG1 2AA or by telephone on 01423 556749 or E-mail

SUSTAINABILITY ASSESSMENT

		Implications are		
		Positive	Neutral	Negative
A.	Economy		✓	
B.	Environment	✓		
C.	Social Equity		✓	
(i)	General		✓	
(ii)	Customer Care/People with Disabilities	✓		
(iii)	Health Implications	✓		
D.	Crime and Disorder		✓	

If all comments lie within the shaded areas, the proposal is sustainable.