

Part A

Report to: Audit Committee

Date of meeting: 6 December 2018

Report author: Section Head of Parks, Open Spaces & Projects

Title: Update on Tree Surveying Report 2016/2017

1.0 Summary

1.1 In 2016/17, a detailed audit was carried out on the Tree Surveying aspect of the Veolia Contract with 5 recommendations made. A number of these are still outstanding and this report is an update on these and proposed actions to follow.

2.0 Risks

2.1

Nature of risk	Consequence	Suggested Control Measures	Response (treat, tolerate, terminate or transfer)	Risk Rating (combination of severity and likelihood)
Tree strategy not completed on time	Recommendations not actioned – status remains same	Timeline developed with programme and time limited to Cabinet Feb 2019	Treat	4
Increase in costs as a result of actions	Budget pressure within existing cost envelope – increase in tree works costs	To be treated as part of Veolia new contract negotiations	Treat	4

3.0 Recommendations

3.1 To note the report and progress made in line with ongoing work.

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4.0 Detailed proposal

4.1 In April 2017, the Shared Internal Audit Service (SIAS) completed an internal audit of the tree surveying aspect of the Veolia contract.

There are approximately 11,000 trees under the Council's management and the majority were planted in a relatively short period of time, as the town rapidly expanded. Subsequently many of these trees have reached maturity at the same time. The Council's parks and open spaces include 105.31 hectares of woodland throughout the town, spread over nine different sites.

Trees along public access routes are surveyed on a rolling three year basis. The service is also responsible for looking after protected trees and giving landscape input into the planning process. Tree records are maintained on the Ezytreev system, introduced during 2014.

Around Hertfordshire, there have been several high profile cases of death, injury or near misses from fallen trees, as well as property damage resulting in insurance claims. A coroner's report ruled 'accidental death' in one such case, but it was also noted that there had been no inspection of the tree (since departmental responsibility for the land and trees thereon had not been established).

In terms of assigning legal liability, where a tree is hazardous because of decay or structural weakness and shows external signs of being in such a condition, the occupier of the land on which it stands is normally liable under UK law for any personal injury or damage that it causes. This liability arises from provisions by which the occupier has a common duty of care to others who enter their land or its vicinity. The occupier is defined as the person 'occupying or having control of the premises'.

The Courts expect occupiers to make regular inspections of trees that, by reason of their position, could place people or property at risk. It is also expected that they should, if necessary, obtain specialist guidance on the interpretation of symptoms and assessment of tree safety and to take reasonable steps to reduce risk where appropriate. If specialist advice is sought, it should be followed; failure to do so may be interpreted as negligence.

Based on the work performed during this audit, an overall **moderate assurance** was given that there are effective controls in operation for those elements of the risk management processes covered by the review.

The audit work focused on a high level review of the governance of tree management. In managing the Council's potential liability and fulfilling its duty of care, it needed to be able to demonstrate and evidence that it has appropriate tree management policies, structures and practices in place.

- 4.2 A number of recommendations were made and some progress has been made but the carrying out of some of the recommendations has been delayed. The 3 remaining recommendations are highlighted as follows:-

SIAS Recommendation ONE

We recommend that during the review process to finalise the Woodland and Tree Strategy, the Council ensures that the strategy addresses the following:

- a) Measurement of the aims and objectives contained within the strategy;*
- b) Frequency of inspections to be completed, both routine and high risk trees; and*

Detail of the maintenance programmes to be adopted.

NOVEMBER 2018 UPDATE

The proposed Tree and Woodland strategy is meant to be an overview of trees and woodlands and intended to take a more strategic overview of tree and woodland management in the Borough. However, what this initially raised is that the specification in the Parks and Open Spaces contract documentation, detailing what is required of Veolia does not cover enough detail in relation to planned maintenance and there is a clear emphasis on reactive management rather than proactive management. A review of the specification needs to be undertaken and ensure that the Strategy is aligned with this.

At the same time the overarching Green Spaces Strategy has been reviewed as part of the Local Plan 2 work and this has the wider view of Trees and Woodlands across the borough.

Finally, the extension for the Veolia Contract is now currently being negotiated (Cabinet approved on 12/11/18) and this is an opportune time to a) finalise the Tree and Woodland strategy and b) update the tree specification as part of a contract renegotiation.

ACTION – Finalise the Tree and Woodland Strategy, currently being amended by the Section Head for Parks, Open Spaces & Projects, the Cassiobury Park Manager who is also a Chartered Forester, and the Tree Officer from Veolia. This will be completed by the end of December and will be presented to Cabinet in February. The Veolia contract tree specification will be amended over the next 12 months as part of the renegotiations with Veolia and will come into force in 2020.

SIAS Recommendation FOUR

We recommend that a maintenance programme is developed and implemented. The maintenance programme should consider the works that have been identified from inspections completed, the priority level given and the risk indicator of the tree. The maintenance programme should be fully costed to provide the Council with a tool for setting the budget for tree related works.

NOVEMBER 2018 UPDATE

A proactive maintenance programme does need to be developed and costed.

The review of the Green Spaces Strategy is still underway and is tied up with the Local Plan 2 amendments. The extension for the Veolia Contract is now currently being negotiated and this will be an opportune time to update the specification. In November 2018, Veolia have once again commenced the re-surveying of all our tree stock, the cost for Highway Trees will be £8099.34, plus £8434.97 for the Parks trees. All survey results will be added to the EzyTreev Tree Management System and a plan of works will emanate from this based on priority level and risk. This will be completed in March 2019.

ACTION – ensure the tree survey is completed efficiently and by March 2019 leading to a detailed plan of works. An annual budget of £90,000 has now been allocated within the Veolia contract for parks and highways tree management works. This was confirmed in 2018.

SIAS Recommendation FIVE

We recommend that, in order to ensure continuity of service, that policies and procedures relating to tree inspections, maintenance and works are developed.

NOVEMBER 2018 UPDATE

This will be incorporated into the Tree and Woodland Strategy and will also form part of the contract negotiations with Veolia.

The extension for the Veolia Contract is now currently being negotiated and this will be an opportune time to update the specification.

ACTION - The Tree specification will be amended over the next 12 months as part of the renegotiations with Veolia and will come into force in 2020.

4.3 REASONS FOR DELAYS

There are a number of reasons for the delays in completing these recommendations including:-

- Staff resource and impact of Cassiobury Park HLF completion
- Retirement of former tree officer, Bob Clarke from Veolia, now replaced
- Revisions to the Green Spaces Strategy required as part of the Local Plan 2 process
- The need to align the proposed Tree and Woodland Strategy with an updated specification and renewal of the Veolia contract in 2020. Any changes to the contract specification need to be costed and approved by the Strategic Partnership Board.

5.0 **Implications**

5.1 **Financial**

5.1.1 The Shared Director of Finance comments that all works in connection with the tree survey will initially be met from the existing budget. Any increase will be reported as a budget pressure through the budget monitoring process.

5.2 **Legal Issues (Monitoring Officer)**

5.2.1 The Head of Democracy and Governance comments that the Council has legal responsibility for trees within areas that it has ownership of. It also has an agency arrangement with Hertfordshire County Council to maintain trees on the public highway on all roads where the speed limit is 40 miles per hour or less.

5.3 **Equalities, Human Rights and Data Protection**

5.3.1 Having had regard to the council's obligations under s149, it is considered that there are no issues related to equalities, human rights or data protection.
Having had regard to the council's obligations under the General Data Protection Regulation (GDPR) 2018, it is considered that officers are not required to undertake a Data Processing Impact Assessment (DPIA) for this report.

5.4 **Staffing**

5.4.1 Not applicable

5.5 **Accommodation**

5.5.1 Not applicable

5.6 **Community Safety/Crime and Disorder**

5.6.1 Not applicable

5.7 **Sustainability**

5.7.1 Not applicable

Appendices

None

Background papers

No papers were used in the preparation of this report.