



Managing Tree Risk Exposure

Presented by

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- 1991
- National Coverage
- Wide variety of clients
- Core Services



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Workshop Overview

- What are your legal duties?
- What is “defendable tree risk management?”
 - Tenants & their gardens
 - Instructing Tree Surgery
 - Emergency Procedures
 - Additional Benefits


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A close-up photograph of a wooden gavel resting on a wooden block. The gavel has a dark, polished wooden head with several rings and a handle. The text "Legal Duties" is overlaid in a bold, red, sans-serif font in the center of the image.

Legal Duties

- 
- Law protects those who access your land
 - Level of exposure should not be 'unreasonable'
 - Failure to control risks can lead to prosecution

- 
- [Birmingham Ash](#)
 - [Poll v Bartholomew](#)
 - Tower Bridge Tree

Tower Bridge





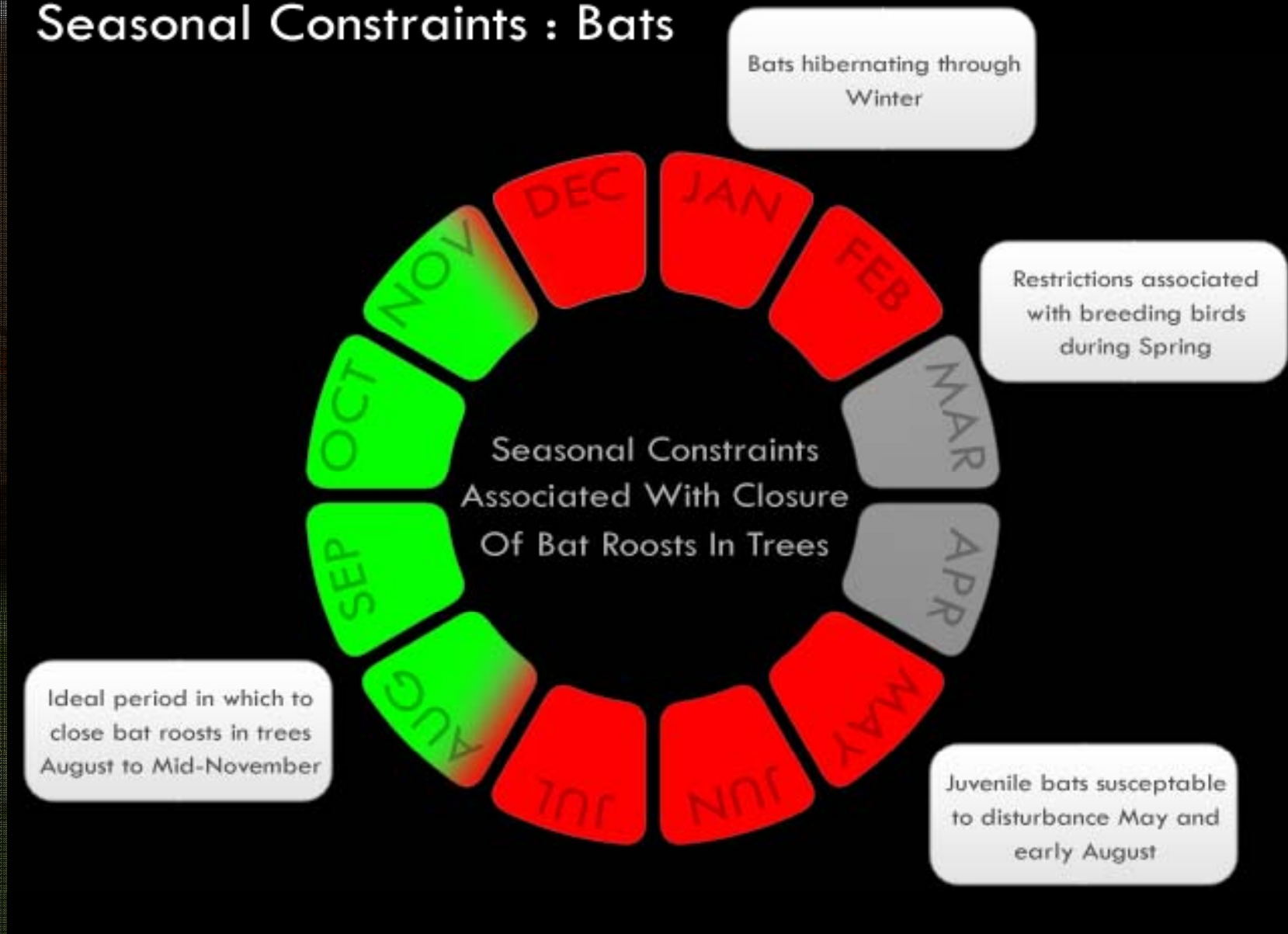
The Law	Your Obligation
Health & Safety at Work Act 1974 s.2 & 3	Employers should conduct their undertakings in such a way as to ensure, so far as is practicable, that persons both in their employment, and not in their employment who may be affected, are not exposed to risks to their health and safety.
Occupiers Liability Act 1957 Occupiers Liability Act 1984	The duties to ensure visitors are reasonably safe. This obligation extends to trespassers.
Management of Health and Safety at Work Regulations 1999	Every employer to make a suitable and sufficient assessment of <i>“the risks to the health and safety of persons not in his employment arising out of or in connection with the conduct by him of his undertaking.”</i>
Donoghue v Stevenson 1932	Established the precedent that you should take reasonable care to avoid acts or omissions which you can reasonably foresee would be likely to injure your neighbour [those who may be affected].
Noble -v- Harrison 1926 Chapman v Barking & Dagenham London Borough Council 1997	A person is liable for a nuisance constituted by the state of his property if by neglect of some duty he allowed it to arise.
Poll v Bartholomew 2006	This case is important as it suggests the levels of inspection required to fulfil a tree owner's duty of care.

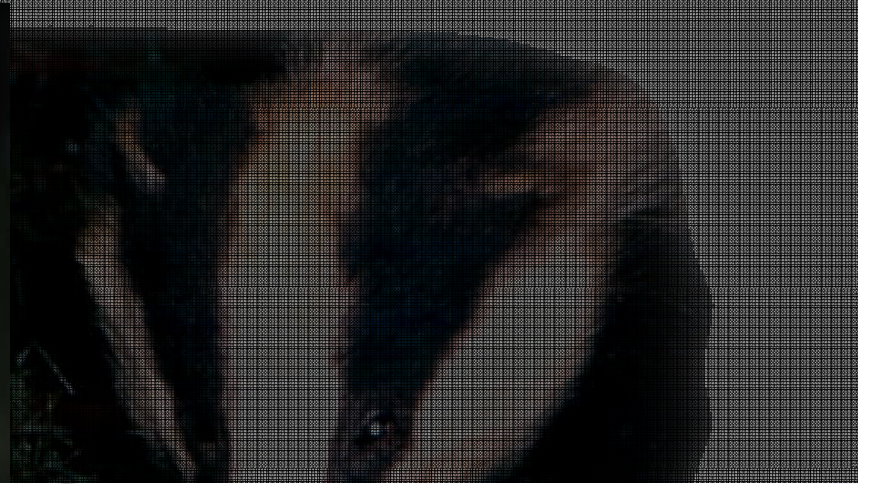


Others?

- Tree Preservation Orders
 - Conservation Area
 - Wildlife Legislation

Seasonal Constraints : Bats





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Seasonal Constraints : Breeding Birds

Ideal period in which to clear scrub and woodland is between September and February



Clearance of scrub and woodland prohibited during breeding bird season to protect nests, eggs and



The Risk is Real

The Law is Clear



What is a Defendable Tree Risk Management System?

Residential Social Landlords
Audit Review

Month Year

Tree Management Audit Report

Name of organisation

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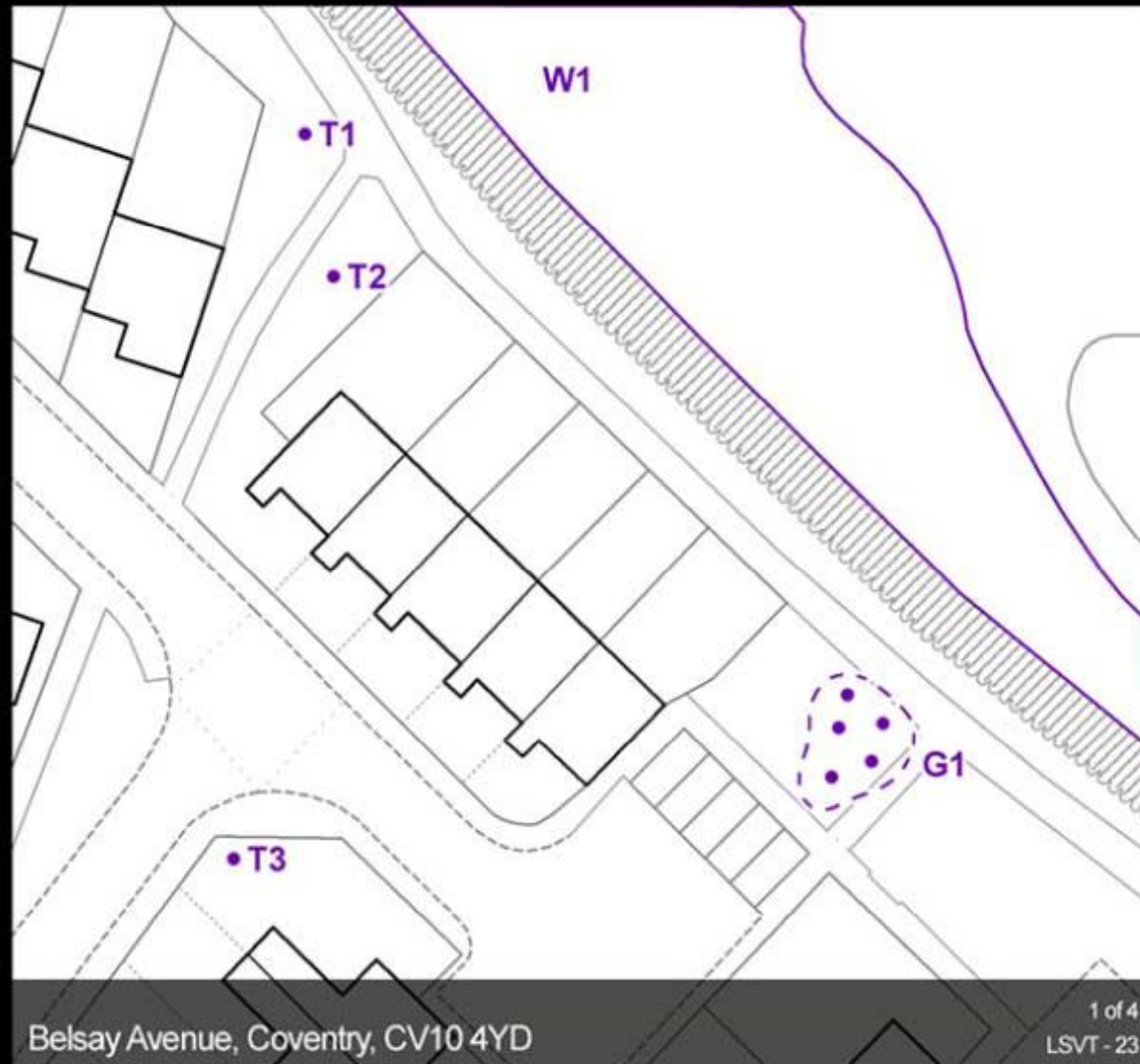
Systems & Management Audit

- 
- Proportionate
 - Consistent
 - Proactive
 - Reasonable
 - [HSE Compliant](#)



Internal	External
Designated Staff	Tree Inspections/ Inspectors
Centrally Stored Data <ul style="list-style-type: none">• Tree Information• Risk Assessments	Scheme Managers
Clear Policy <ul style="list-style-type: none">• Risk Rating & Re-inspections• Gross Defects• Remedial Defects• Tenants Gardens	Competent Contractors
KPI's	
Training	Training
Corporate/ Sustainability Objectives	Tree Planting

Detailed Communal Tree Management Plan

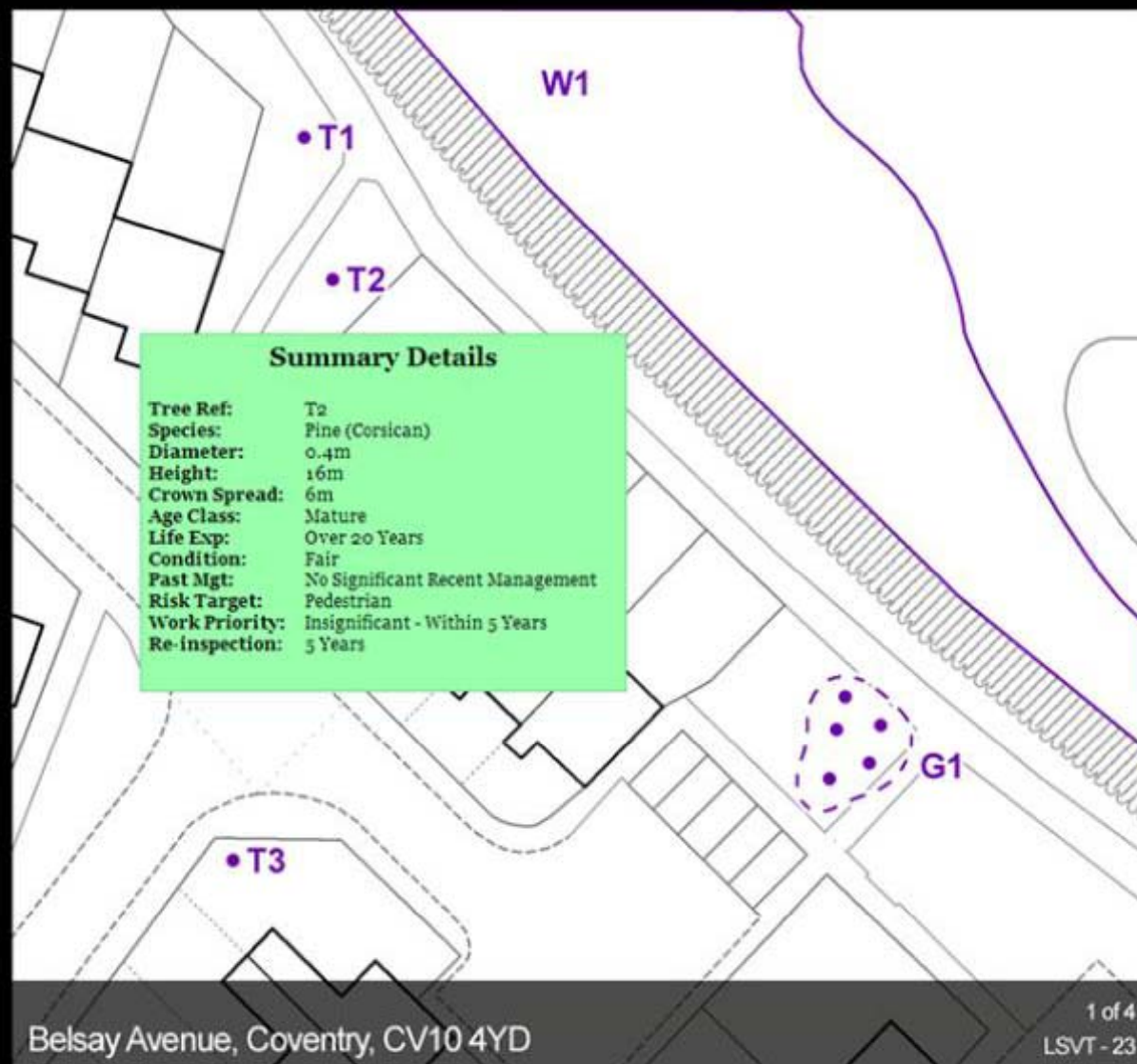


Belsay Avenue, Coventry, CV10 4YD

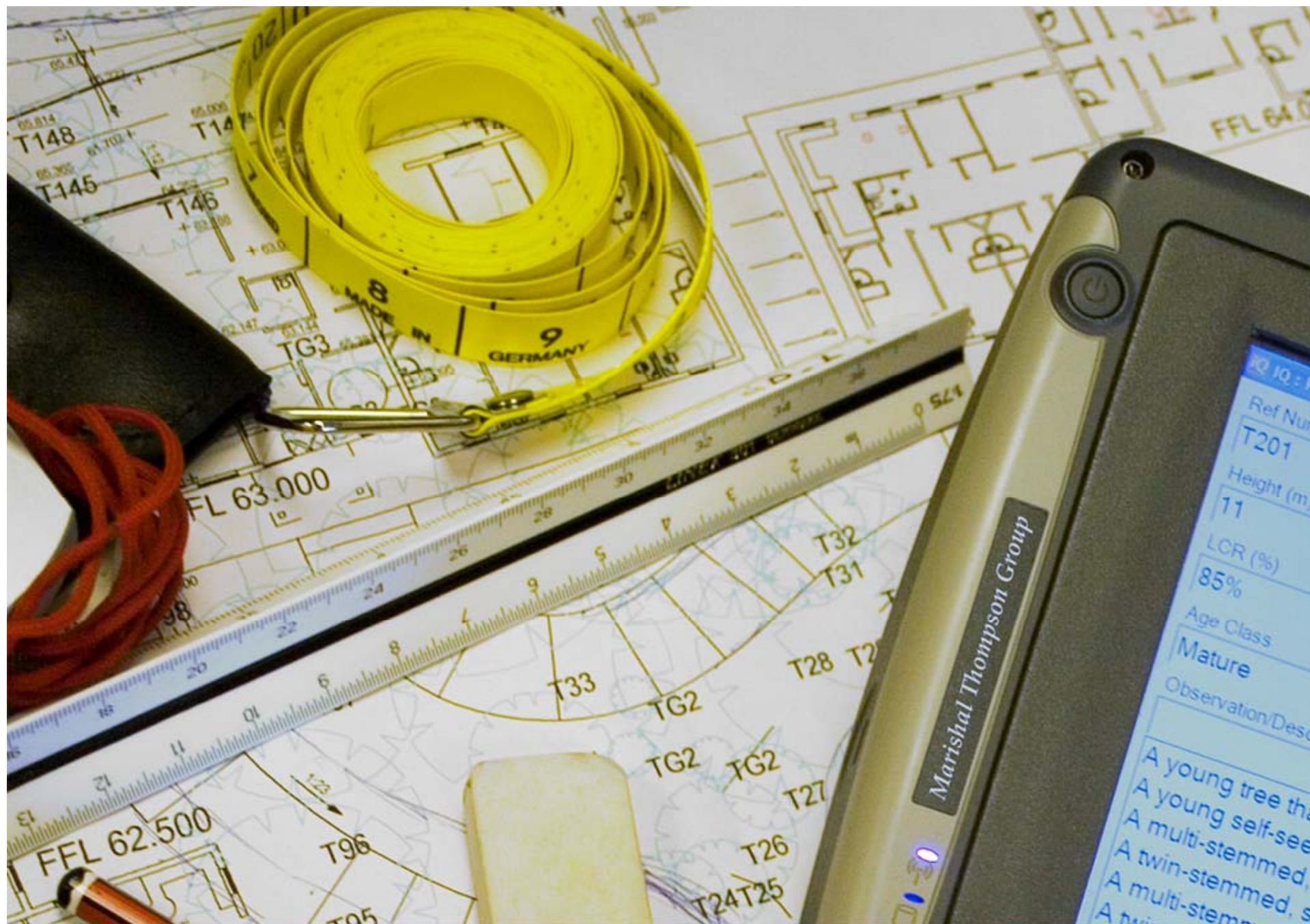
1 of 4
LSVT-23

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Detailed Communal Tree Management Plan



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Detailed Inspections



Detailed Inspections

Detailed Inspections

- 
- Record Risk
 - Appropriate Qualifications

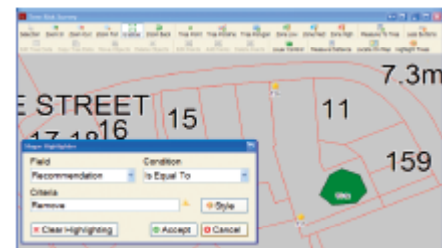
Detailed Inspections

Tree Survey Software

Marshall Thompson Group Software

Designed in-house by our team of software developers, this software has been built to enable our arborists to collect the data our clients require in a consistent and timely manner.

The software stores its data in industry standard Shapefiles, allowing the data to be imported into most GIS software on the market today. This highly transferable format means you can work with data from almost any source.



Designed with tablet PCs in mind, the user interface features oversized buttons to aid in the collection of data in less than favourable weather conditions.

Plot individual trees, hedges or groups of trees (as polygons), and zone areas as High, Medium and Low risk.

The data collection form can be customised per job to ensure you collect exactly the data required for each survey and no more.

The tree data collected is exported as a CSV file which can be opened in a variety of common software packages, including Microsoft Excel.

Tree Number	Species
1	Apple
Height (m)	Description
2.5	
1 2 3	Recommendation
4 5 6	
7 8 9	
0 Del	App Category
Close	Save Cancel

Designed to work seamlessly with our online mapping solution due for release early 2009, allowing you to upload the collected data to a website and make the data available, securely, to whoever you want, whenever they are in the world.

Tree Number	Species	Height (m)
1	Apple	2.5

Local Authority Services



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Software Systems

Detailed Inspections

Tenant Gardens



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- Tenancy Agreement?
- Consistently Applied?
 - Funded?
 - [Advised?](#)



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Tree Work Contractors





Law Commission's 'Corporate Killing' offence

- (1) A corporation is guilty of corporate killing if:
 - (a) a management failure by the corporation is the cause or one of the causes of a person's death; and
 - (b) that failure constitutes conduct falling far below what can reasonably be expected of the corporation in the circumstances.
- (2) For the purposes of sub-section (1) above:
 - (a) there is a management failure by a corporation if the way in which its activities are managed or organised fails to ensure the health and safety of persons employed in or affected by those activities.



14% of Group Turnover
Publicity of Failings
Criminal Proceedings

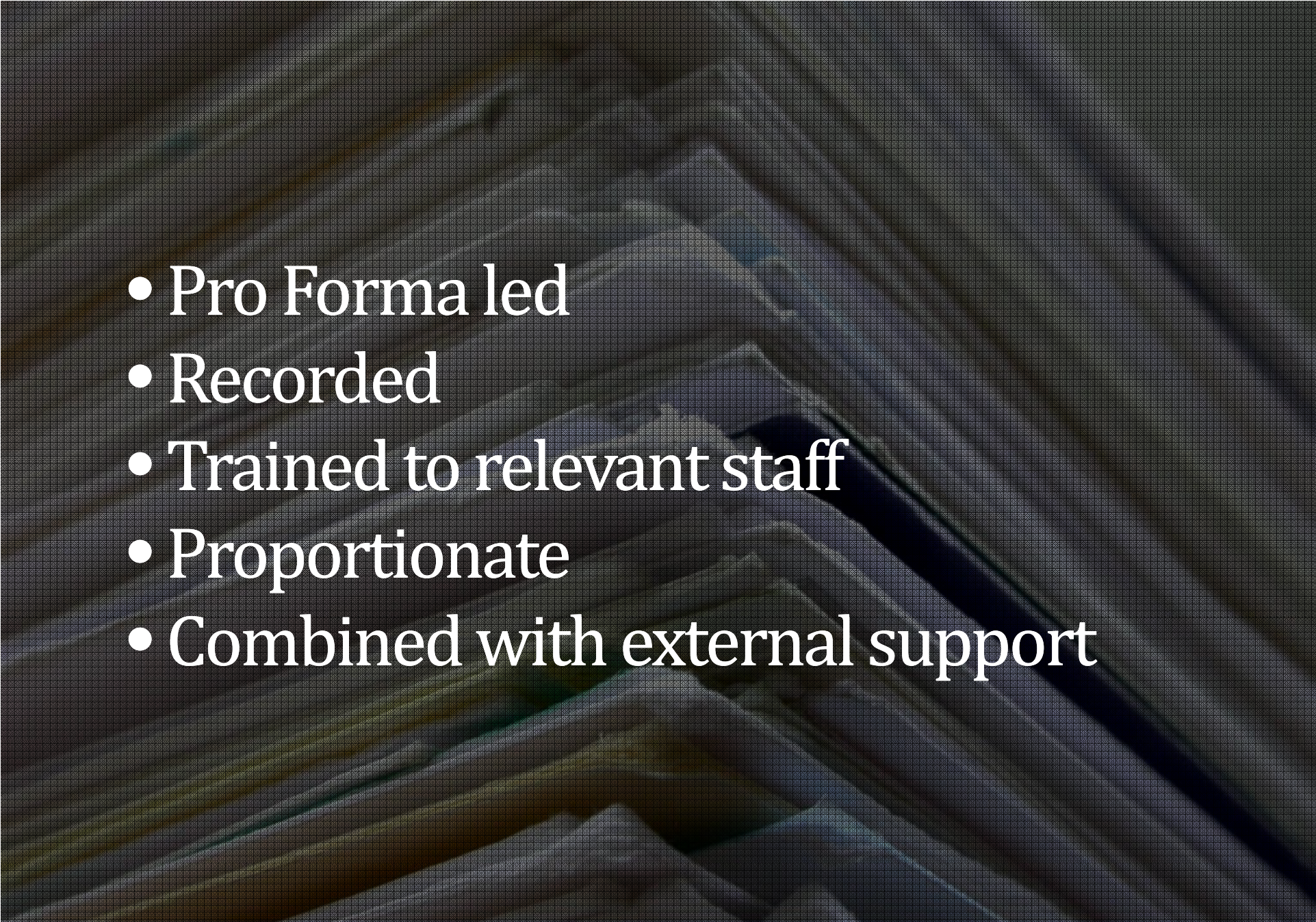




Emergency Procedures

- Significant Weather Event?
- Notification of Tree Failure?
- Notification of Injury?



- 
- A dark, textured background featuring a stack of papers and a pen, creating a professional and academic atmosphere.
- Pro Forma led
 - Recorded
 - Trained to relevant staff
 - Proportionate
 - Combined with external support



MT : Surveying

A person wearing a white long-sleeved shirt and a yellow safety vest is holding a handheld surveying device. The device has a screen and several buttons. The person is outdoors, with trees and a fence visible in the background. The image has a dark, textured overlay.

Additional Benefits

- 
- Budgets Defined
 - Sustainability
 - Environmental Benefits
 - Phased Management Plans
 - Clear 'Line of Sight'
- = Better Tenant Services
- = Empowered Staff
- = Control of Costs



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In Conclusion



- Law is clear
- Know your legal duties
- Manage the 'risks'

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- Develop a Policy
- Maintain Records
- Know Your Limitations

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Your Next Step

- Audit
- Identify Current Position/ Your Organisations Exposure

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Thank You

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