



FULL COUNCIL REPORT

Date Written	1 st June 2021
Report Author	Robert Barnett
Service Area	Neighbourhood Services
Exempt/Non Exempt	Non Exempt
Committee Date	16 th June 2021

To: Mayor, Ladies and Gentlemen

Appointment of Tree Officer

1.0 SUMMARY OF THE REPORT

- 1.1 The Local Authority is responsible for the management of trees on land which it owns, systems for protected trees via Tree Preservation Orders and, to some extent, dangerous trees on other persons land.
- 1.2 In view of the current Ash Dieback situation and the amount of work associated with it there is a requirement for the Council to have a dedicated permanent tree officer.

2.0 RECOMMENDATIONS that

- 2.1 The Appointment of a permanent tree officer be approved.

3.0 INTRODUCTION AND BACKGROUND

- 3.1 The safety of trees is the responsibility of the owner of the land on which they grow. The tree owner or manager has a 'common law' duty of care to *'Take reasonable care to avoid acts or omissions which they can reasonable foresee would be likely to injure their neighbour'*. Tree owners also have a duty under the occupier's liability Acts to take reasonable steps to ensure visitors on their land are safe.
- 3.2 Ash dieback is proving to be a major ongoing safety issue for the council. It is estimated that a 5-year management plan to mitigate the risks could cost up to an estimated £2,000,000, this will include felling diseased trees, replanting and increased surveying to highlight issues and prioritise works.

- 3.3 Under the current departmental structure there are two arborists dealing with all tree work for the Council. Presently, one of these has been seconded to provide safety inspections and to manage the amount of work associated with Ash Dieback Disease, this position has been backfilled with existing staff.
- 3.4 This increase in workload from Ash Dieback and our obligations under the Environment Act (Wales) 2016 and the Occupiers' Liability act 1957 mean that we need to proactively manage our tree stock and the risks associated with them. Under the current arrangement tree surveys have been facilitated under a secondment of an existing parks operative. However, these surveys have highlighted the extent of the work ahead and in order to reduce the level of risk to the Authority, the management of this work will require a permanent officer. It is proposed to make the current secondment arrangement a permanent one and to then back fill the vacant position this leaves.

By having a dedicated tree officer we will ensure we are inspecting and maintaining our tree stock in line with best practice and HSE guidelines and protecting the public from harm and the Council from insurance claims and adverse publicity. Under current guidance, we should be inspecting our trees in line with the following.

- Cemeteries – 3 yearly
 - Highways – 3 yearly
 - Schools – annually (at least initially) there are 1300 mature trees within school boundaries.
 - Parks – annually
- 3.5 Currently the Parks Department reactively manage trees that have fallen or have become a health and safety issue. The consequences of this is that there are no processes or adequate system in place to clearly demonstrate compliance with legislation and provide an auditable trail.
- 3.6 As well as dealing with managing the council's risk in relation to trees the tree officer post will also deal with the following:
- Compliance and management of the council's tree preservation orders (TPO)
 - Deal with external contractors (Ash dieback works)
 - Project manage the council's Ash Dieback Action Plan (ADAP).
 - Day to day management of the Council's arborists.
 - Dealing with complaints and queries relating to trees
 - Advise on planning applications for works to trees.
 - Tree conservation, re-planting of trees lost to Ash Dieback and government initiatives such as the Queen's Green Canopy.

4.0 FINANCIAL IMPLICATIONS

4.1 The post has been evaluated at a grade 7. In order to make the tree officer a permanent position an annual increase in the parks budget of £45,757 (including on costs) is required.

5.0 INTEGRATED IMPACT ASSESSMENT

	Positive Impacts	Negative Impacts	Neutral/Not Applicable	
1. Merthyr Tydfil Well-being Objectives	4 of 4	0 of 4	0 of 4	
2. Sustainable Development Principles - How have you considered the five ways of working? <ul style="list-style-type: none"> • Long term • Prevention • Integration • Collaboration • Involvement 	5 of 5	0 of 5	0 of 5	
3. Protected Characteristics (including Welsh Language)	0 of 10	0 of 10	10 of 10	
4. Socio-economic Disadvantage	2 of 6	0 of 6	4 of 6	
5. Consultation and Engagement	Undertaken	Due to be Undertaken	Not Required	
	1 of 1	0 of 1	0 of 1	
6. Data and Evidence to inform the proposal	Yes		No	
	0 of 1		1 of 1	
7. Biodiversity and the resilience of Ecosystems	Maintained	Enhanced	Reduced	Neutral/Not Applicable
	0 of 1	1 of 1	0 of 1	0 of 1
Summary				
The main positive impacts are:	Safer public open spaces, the council is protected from litigation			
The main negative impacts are:	None			

**JUDITH JONES
CHIEF OFFICER PLANNING &
NEIGHBOURHOOD SERVICES**

**COUNCILLOR DAVID HUGHES
CABINET MEMBER FOR PLANNING &
NEIGHBOURHOOD SERVICES**

BACKGROUND PAPERS		
Title of Document(s)	Document(s) Date	Document Location
Does the report contain any issue that may impact the Council's Constitution?		No

Consultation has been undertaken with the Corporate Management Team in respect of each proposal(s) and recommendation(s) set out in this report.