

Notes from Tree Safety Meeting – 7th July 2008
Forestry Commission, 340 Bristol Business Park, Bristol

Attendees:

Harry Studholme	Mike Seville	Emily Ramsay
Rachael Edwards	Neville Fay	Rebecca Haskell
Simon Wallis	John Lockhart	Matt Searle
Simon Richmond	Caroline Harrison	Shireen Chambers
Richard Stead	John Watt	

Apologies were received from Brian Mahony (Forestry Commission England), Prof. David Ball (DARM, Middlesex University)

Welcomes were extended to Richard Stead and Matt Searle

Review of Actions/ Comments from last meeting

Signed as correct record.

AP: Write Terms of Reference carried forward

BSI draft Standard

Published and has received much publicity.

BS213 evident concern about proceeding with standard while work of NTSG was still on-going. Decided to convene panel to review consultation comments, scope and requirements for a standard and the structure rather than technical comments. Meeting in December to assess progress and further assess all comments.

Report from meeting in December will be through members of the committee going back to their representative bodies. BSI will report back to the NTSG.

See email to Harry from BSI – get it from him!

Legal (paper)

Important to inform landowners of their obligations within the law. Something that will sit on FC, AA, WT etc websites as an accompanying document.

Comments on paper to Richard Stead....by email

Also provide something for Scotland.

Do not include risk to people working with trees.

Not for this document to assess conflict between criminal and civil law.

Also need to consider 'victims' of tree injuries, those on the other side. Members of the Public not represented thus far. Need credibility of representation across the board – Rick Haythornethwaite at conference.

Simon Richmond – what kind of document will be ultimately be??

- A. landowners regime implementation
- B. Victims voice – societal perception of risk
- C. Court perspective about what should be applied

HSE SIM – their cost benefit says tolerable level of risk, 6 people per year killed. However, this is not perceived to be tolerable by the Public, therefore need higher level of standards. SIM is good jumping off point. Risk is low due to current level of management therefore doing nothing is not an option. Management needs to be reasonable and achievable.

Inclusion of compensation act as a comment. Has relevance with respect to civil law, more than criminal law. Act not yet been tested.

Differences between landowners who encourage people on to their land, private landowners and highway trees.

Need to gather all comments for the document.

Structure – needs to have references included but with basic thrust ie front page which is easily accessible for the landowner.

Or wait until produce whole document and incorporate then.

MS – very uncomfortable having standard of inspection included in the legal document in this format. OK to the standard of inspection bit.

RS – relevance as this is around where the courts are now. Level of inspection required to show in a court of law that you have done what is defensible in a court of law.

SR – shouldn't be based on previous assumptions, which could be swaying things out of proportion. Start with blank sheet.

ER – one page summary of the law and that you should be a reasonable landowner. Other guidance can be to define what a reasonable landowner should do.

RICS think courts have taken standards too far by a considerable way and should be pegged back due to the level of risk involved. Seen in the context of suite of other risks faced by landowners.

Legal doc needs to be about duty of care.

Process

Early in 2009 release something to the public. Include legal doc up to standard of inspection. Work in criminal law and SIM. Need to think about how and what is being released but is a statement that things are moving forward.

Concerns about saying people have a duty of care but not reassign anything about how to manage this risk for a long period afterwards.

Better to have a regular reporting structure. Give objectives of the NTSG, timetable.

ACTION: RS to review document in light of this discussion and forward to RE. Collate replies to amended version and respond to RS.

Not seen as a stand alone document. Legal bit as an introduction to the main document.

Risk

Two major parts of the study. Measure risk figures and societal concern.

6-8 months to complete. Then some regulatory analysis – about a year.

Some websites which may be helpful – qtra and for discussion about risks etc.

Composition of NTSG and Terms of Reference

Terms of Reference

Both Sim and existing legal process require a definition what a responsible and prudent landowner should do – how they should manage their trees in relation to SIM. Discuss how this should be disseminated to the industry.

Membership should be restricted to either large national or representative organisations.

Agreed to include National Trust

Invite to one meeting for a presentation to the NTSG British Holiday and Home Parks Association.

Potential members also Ramblers/RAC

Website development – investigate further. Should be stand alone not within another organisations bigger site.

Who will own the final document? Not in a position to answer at the moment.

AOB

Disappointing article in Tree News. Harry Studholme will send a response.

BS3998: Published before anything from this group. Please look at this and comment by the 31st October 2008. PDF available upon request from Mick Boddy.