

**Notes from Tree Safety Meeting – 9<sup>th</sup> October 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)

**Welcomes** were extended to Richard Stead (St Johns Chambers, Bristol) and Matt Searle (Essex County Council).

**Review of Actions/ Comments from last meeting**

Signed as correct record.

***AP carried forward: Write Terms of Reference***

**BSI Standards**

BS213 published and has received much publicity. Evident concern about proceeding with standard while work of NTSG was still on going. A panel has been convened to review the consultation comments, scope and requirements for a standard. This is concentrating on the structure rather than technical comments at this stage. There will be another 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.

**Legal (paper)**

It is important that landowners are aware of their duty of care obligations with respect to tree safety management in the eyes of the law. This could potentially be a document that sits on FC, AA, WT etc websites and as an annex to the overall guidance.

The legal paper does not (and should not) include the risks to people working with trees. Nor does it assess the conflicts between criminal and civil law. The Compensation Act could be included as a comment. It has relevance with respect to civil law, more than criminal law although has not yet been tested.

The final document will also need to be relevant for Scottish law.

The cost benefit analysis of the HSE SIM identifies a tolerable level of risk under current management practises; unsafe trees in Great Britain kill 6 people per year. However, this risk is not perceived to be tolerable by the general public, therefore a higher level of standards are required and implemented. The SIM is good jumping off point for any other guidance. Management needs to be reasonable and achievable.

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

The document should be structured in such a way that it is easily accessible for landowners, perhaps including references behind a concise front page. This

document should only put the legal context rather than go on to describe the standard of inspection.

The standard described in the paper shows where the courts are at the moment and the level of inspection required to be defensible in court. However, this level shouldn't be based on previous assumptions, which could be swaying things out of proportion. Start with blank sheet.

Some organisations and their members think courts have taken standards too far by a considerable way and should be pegged back due to the low level of risk involved. Risks from trees should be seen in the context of suite of other risks faced by landowners.

It was suggested that this should be a one-page summary of the law and that you should be a reasonable landowner. The other guidance can focus on defining what a reasonable landowner should do.

There was some concern about publishing this document as a stand alone piece of work, especially with no timetable in place as to when the other guidance will be published. It was felt it would be better to incorporate the legal section into the introduction of the final guidance.

It was suggested that there is also a need to consider the victims of tree injuries, those on the other side. Members of the Public have not been represented on the NTSG thus far. This would increase the credibility of representation across the board. The Ramblers Association, RAC and Royal Society for the Prevention of Accidents were all suggested for possible inclusion.

***AP: Further comments on the paper to RS by email.  
AP: RS to draft another version of paper for circulation to the NTSG.***

### **NTSG Process**

There are plans to publish some work in early 2009. This may include the legal document discussed above but including criminal law and reference to the HSE SIM. Further thought needs to be put in to how and what is released but it should act as a statement that things are moving forward.

There were concerns that if the legal document were to be published it would highlight the duty of care responsibilities of landowners but would not address how to manage this risk for a long period afterwards.

It may be better to have a regular reporting structure. This would give the objectives of the NTSG, including a timetable of work.

### **Risk**

There are two major parts of the study being undertaken by DARM, Middlesex University. This is to analyse the risk figures and societal concern. This part of the project will take 6-8 months to complete. Some regulatory analysis can then be undertaken, which would be about a year. *See the attached document for more detailed information about the remit of the study.*

JW asked for the co-operation of the group during the research exercise to ensure the most relevant sources of information are included. It was suggested that some websites might be helpful such as the QTRA. forums for discussion about risk.

Please pass on any information that could be included in/relevant to the study to Dr. John Watt.

### **Composition of NTSG and Terms of Reference**

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

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

Applications to join the NTSG were received from the National Trust and British Holiday and Home Parks Association. After discussion it was agreed to include National Trust.

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

#### ***AP: HS to respond to inform organisations of decisions***

Potential members also Ramblers/RAC (as discussed above).

AP: HS to make contact with groups to

The provision of a NTSG website was discussed. It was felt that it should be stand alone not within a specific organisations bigger site. Content to include Terms of reference, minutes and papers from meetings and a timeline of progress.

#### ***AP: RE to investigate costs for website development.***

It was asked who will own/update/be responsible for the final document? The group is not in a position to answer at the moment but it is an issue that will need to be addressed later.

### **AOB**

There was a disappointing article in the latest edition of Tree News.

#### ***AP: HS to send a response on behalf of NTSG***

BS3998 will be published before anything from this group. Please look at this and comment by 31<sup>st</sup> October 2008. PDF has been circulated to the NTSG. If you need another copy please ask RE.

### **Date of next meeting**

14<sup>th</sup> January 2009