

Tree Safety & Inspection Guidance for Councillors

Purpose

To ensure the council meets its legal duty of care to manage trees safely, particularly during high wind conditions and while trees remain in leaf.

1. Legal Responsibility

Under the Health & Safety at Work etc. Act 1974 and the Occupiers' Liability Acts 1957 and 1984, the council has a duty to take reasonable care to prevent harm from foreseeable hazards, including falling trees or branches on council land, open spaces, and verges.

Recent cases have shown that councils can be held liable for damages if trees are not properly managed or inspected.

2. Tree Risk Management – Key Actions

- Identify and record all council-owned trees. Create or update a register including location, species, and condition.
- Carry out formal inspections by a competent person
- Frequency depends on location and risk:
 - High-risk areas (roads, playgrounds, paths): every 1–2 years
 - Low-risk areas (open land, rural areas): every 3–5 years
- Respond promptly to damage. Fallen limbs or visible cracks don't necessarily make a tree safe. Trees can become unstable especially after storms.
- Document all inspections and works. Keep written/electronic records of when inspections took place, by whom, and what action was taken.
- Establish an ongoing inspection regime. Include tree safety within your regular health and safety review cycle.

3. When to Seek Professional Help

- After high winds or storms
- When trees show signs of decay, disease, or structural damage
- If the public or staff report concerns

4. Further Guidance & Templates

- Clear Councils: Risk Assessment Templates – <https://clearcouncils.co.uk>
- Health and Safety Executive (HSE): Management of the risk from falling trees or branches
- National Tree Safety Group: Common Sense Risk Management of Trees

5. Councillor Role

- Ensure the council has a clear Tree Management Policy.
- Support appropriate budget allocation for inspections and maintenance.
- Monitor compliance and ensure follow-up actions are completed.