

Notes from Tree Safety Meeting – 02 October 2009
Forestry Commission, 620 Bristol Business Park, Bristol

Attendees:

Judith Webb (JW)	Caroline Harrison (CH)	Andy Tipping (AT)
Simon Richmond (SR)	John Lockhart (JL)	Neville Fay (NF)
Rachael Edwards (RE)	Shireen Chambers (SC)	Mick Boddy (MB)
David Ball (DB)	Mark Daniels (MD)	Gareth Price (GP)
John Watt (JMW)	Rebecca Haskell (RH)	Antony Wallis (AW)
Jon Stokes (JS)		

Apologies: Emily Ramsay, Mike Seville.

Welcome and Introductions

JW welcomed everyone to the meeting and brief introductions were made.

Minutes of the last meeting

One change from Mike Ellison included in an amended version of the minutes.

Matters Arising

BSI Update – BS8516, work has been suspended, awaiting timescale for NTSG guidelines.

Jasmine Naim has resigned as secretary and a replacement is being sought.

NTSG Position Statement

The drafting sub group found they were struggling to agree the format of the guidance as what is required/sought had not been finalised.

A working document that aims to bring together the thoughts and views of the various sector representatives who make up the NTSG was circulated.

Position statement is in 2 forms; a summary and a more in depth version.

SC questioned what value this document added to the process.

The drafting committee highlighted that the NTSG commissioned work to provide more information and a more reliable evidence base with which to inform policy has not previously been considered in relation to guidance. There is also more information about public perception of tree related risk, which suggests the benefits of trees are viewed more highly than the potential risks. This is a very good position for the sector to be in. The position statement helps set out the way forward and how this work will influence the final guidance.

SR commented that the position statement should reflect how the NTSG wants to move forward. For example, the conclusions need to be more comparable to the intended outcomes of the group and final document.

JL felt the NTSG needs to strive to produce something that is understood to be the benchmark to approach this issue, rather than what is stated in the position statement. If the NTSG simply produce guidance it will not deliver what is required by the landowning community. There is an urgency to produce

something tangible from the group. The document in its current iteration would most likely have a negative impact.

JW detected divergence around table about the purpose of this document, rather than disagreement about what is in the statement. Is this an internal document to form framework for guidance? Do we need a separate external document to inform external stakeholders in addition to the terms of reference?

NF felt that this should be an internal document. This was followed by some confusion about the purpose of this document.

DB agreed that it is understandable for landowners to want specific guidance due to fear of liability. The HSE published the Health and Safety at Work Act, a legislative approach that puts the onus on individuals to make sensible and rational decisions dependent upon their situation. A position statement is required to set out the philosophy behind the group, enables focus away from solely safety basis and reducing the risk. A risk/benefit analysis could also be used to provide greater understanding.

MD felt that this position statement has come too late to be a stand alone external document. In this case need definitive guidance and policy statement together to provide both the guidance and philosophy for health and safety professionals to develop their own interpretations.

JMW confirmed that there is no reason both cannot be published together.

SC felt that the policy statement can be included in the final guidance to give background and explain why the guidance follows the format it does. Position statement is about where the group is now and what work is being carried out. There should be a press release to inform the industry about what has happened and timescale for publication of guidance.

JW agreed there seems a need for external communication to clarify position and give progress update for the sector.

MD need endorsement for the policy statement from the regulator to support the process. The group agreed and that it should become a priority to get this resolved.

Need to build contact with HSE and get endorsement for this statement.

ACTION: MD and SR to facilitate contact between JW and HSE.

It was agreed that the position statement will be redrafted. However, this should not prevent timely communications and publication of guidance. Also, should try to establish contact with BERR/HMT.

ACTION: Comments on the first draft to be returned to NF, copied to RE by 17:00, 9th October.

General comments on the draft were as follows.

- If this is to be a stand alone document it needs to be punchier than the current draft with the prevention of tree loss and risk benefit analysis underpinning this statement.

- It needs to include the progress achieved to date. Need to say something with a sufficient degree of strength to prevent current rate of tree loss and give confidence to external stakeholders.
- The statement needs to be forward looking and focussed on getting the guidance published as soon as practicable.

ACTION: NF to redraft and recirculate by 30-10-2009.

DARM Update (presentation)

DB and JMW presented a research progress report to the NTSG.

Societal concern for trees largely positive rather than negative.

The DARM research will help provide robust rationale for levels of decision making. The fear experienced by landowners is more about liability than the risk posed by trees.

The presentation outlined key messages well and gives the NTSG good resources for communications.

JMW need to highlight the benefits of trees to landowners/managers/planning personnel.

Societal concern has been raised on false information. The media report the initial results of tree failure but do not report the many judgements overruled in higher courts.

Guidance

NF presented an update about the development of guidance.

This is a reference document for people to have to hand in their home/place of work. An Information Leaflet will fulfil to the short format role for wider dissemination.

The draft guidance document comprises 7 chapters:

1. Introduction
2. Trees are good – the benefits of trees
3. Living natural organisms – bits naturally fall off
4. Overall Risk to Human society is extremely low
5. There is a legal duty of care for safety – risk and responsibility
6. Balanced approach – requires what we do is reasonable and proportionate
7. What you should do – some scenarios

NF asked for clarification about term 'obvious defect'. MB suggested using current TPO wording could work well.

Group agreed this document is broadly headed in the right direction. Full comment will not be gained until the drafting group have collated and reviewed the document.

JL suggested that a brief paragraph would be put in the introduction to the legal section to go over the legal status.

SC highlighted that Scottish lawyers should also be involved contributing to the legal section. JW will contact people based in Northern Ireland regarding this also. The NTSG need to ensure the document is considered at UK wide level.

ACTION: JS to send contact details of people based at DARDNI to RE.

Promotion/Dissemination of guidance

The Information Leaflet could be advanced to enable its publication prior to completion of the full document. The group felt this would be acceptable if there were delays to the production of the full guidance but should not delay the full guidance unnecessarily.

AT highlighted that the Information Note refers to the full document so will need to be published at the same time.

ACTION: Comments on the Information Leaflet to NF, copied to RE by 16th October.

The Drafting sub group members agreed to circulate document by end December, even if not the fully refined version. for an initial round of comment. Aim for final document to be published in May, after period of external consultation.

CH stated that ConFor are able to offer some resource to assist with the drafting process, if required to help meet the timescale.

MD suggested need to consider format of final document, printing, publication, cost etc.

ACTION: JS, JW, CH to form basis of communication and publication sub group. JS to co-ordinate dates for the first meeting.

Following the redraft of the position statement the wider group will agree and endorse this document and it will be used as the basis for a press release.

Four fundamental points to be included in first press release (and statement):

- Trees are being lost unnecessarily
- Research has been done
- The fundamental risk from trees is low
- Guidance will follow

ACTION: Draft of the full guidance document will be circulated by the end of December.

ACTION: Comments on the draft to be returned to NF, copied to RE, by 25th January

ACTION: Consultation draft to be prepared by 28th February

JL We need to get a high level press statement together to steer the thinking of the decision makers now. Action for publicity sub group?? Timescale to release press statement for National Tree Week. Also include Hedgerow Tree Group who are planning a press release about the loss of hedgerow trees for Health and Safety reasons. It should also include legal issues, law moving in favour, benefits of trees, risk of death, May publication of comprehensive guidance of how to deal with tree safety management and make defensible judgements.

ACTION: JW to speak to Pauline Buchanan Black, Tree Council regarding line up with National Tree Week.

The website has been moved to Forestry Commission GB pages. The group agreed that it be made live with comments back to RE for changes.

ACTION: RE to circulate URL to members. Comments to be made back to RE for amendments.

Finance Update

£25,000 against drafting

£10,000 against production and publicity

Invoices for goods and services procured by the NTSG should be forwarded to the Arboricultural Association. They should be addressed to Arboricultural Association. Any costs over £1000 get full committee approval.

All invoices have go through JW & GP for clearance before being paid.

An updated version of financial statement to be included with the minutes.

ACTION: All NTSG members to approach their organisations regarding funding for the continuing NTSG work.

JL suggested Defra as an organisation with interest in this area and who should be approached for possible funding for the NTSG.

AOB

Date of next meeting (s)

19th March as a preferred date.

ACTION: RE to produce a summary of important dates (see below)

ACTION: RE include Communication & Financial Update as standing items on the agenda.

ACTION: RE to add loss of trees to the agenda for next meeting

Summary of Important Dates

Document	Circulation	Comments returned by	Redrafting by	Publication
Position Statement	02/10/2009	09/10/2009	30/10/2009	Nov 2009 (National Tree Week)
Information Leaflet	02/10/2009	16/10/2009	?	?
Full guidance	31/12/2009	25/01/2010	28/02/2010	End May