

Committee(s): Finance	Dated: 19 th September 2023
Subject: Funding for Epping Forest Critical Health & Safety Works to Known Dangerous Trees	Public
Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?	1, 2, 11, 12
Does this proposal require extra revenue and/or capital spending?	Yes
If so, how much?	£210k
What is the source of Funding?	City's Cash Contingency
Has this Funding Source been agreed with the Chamberlain's Department?	Yes
Report of: Bob Roberts, Interim Executive Director, Environment Department	For Decision
Report author: Emily Brennan, Director, Natural Environment Division	

Summary

This report details the current health and safety risks in Epping Forest relating to dangerous trees in the public environment which pose a significant threat to the health and wellbeing of members of the public.

A sum of £210k was required in 2022-23 to carry out critical H&S works to dangerous trees throughout the Epping Forest but due to the unavailability of skilled staff this work was unable to take place.

A carry forward request of £210k (£125k outstanding works order for Ascending Arbs and £85k for works to remaining dangerous trees identified) was made by the Environment Department following the 2022-23 local risk underspend of £1.125m overall (City's Cash £569k and City Fund £556k), in relation to urgent works required to address critical H&S works to known dangerous trees throughout the Epping Forest.

The carry forward bid was considered by the Chamberlain in consultation with the Chairman and Deputy Chairman of Resource Allocation Sub Committee and it was decided not to approve the carry forward due to the required bid exceeding the year end underspend position for Epping Forest which was only £28k, as the main underspends for the Environment Department occurred in other Divisions of Service outside the remit of Epping Forest charity.

After consultation, the Chamberlain has recommended the appropriate source of funding should be City's Cash Contingency.

Recommendation

Members are asked to:

- Approve the bid of £210k in relation to critical H&S work required to known dangerous trees at Epping Forest within financial year 2023-24, financed from City's Cash contingency for 2023-24.

Main Report

Background

1. According to the UK Health and Safety Executive (HSE), each year between 5 and 6 people in the UK die when trees or branches fall on them. Around 3 people each year are killed by trees in public spaces. In accordance with the Health and Safety at Work Act 1974, employers and persons carrying out undertakings or in control of premises all have duties under the Act, in particular, there is a duty to do all that is reasonably predictable to ensure that people are not exposed to risk to their health and safety.
2. The UK HSE's enforcement guidance states that the following considerations would be made in the event of an investigation:
 - The frequency of public access to the trees (Epping Forest currently has more than 10 million visits per year)
 - The existence of a system for managing trees based on the level of risk (Epping Forest has a framework, but has been unable to take adequate maintenance action for several years due to understaffing and issues with contractors)
 - The implementation of the system in practice, including procedure to act on issues of concern (Epping Forest currently has a backlog of 2,020 dangerous trees it is unable to act upon)
 - The need to comply with other legislation including Tree Preservation Orders, the Countryside Act and legislation relating to Sites of Special Scientific Interest (Epping Forest is a Site of Special Scientific Interest which includes one of the UK's largest collections of ancient trees)
3. Over the course of the past year, the City of London Corporation has had to work with the police and HSE to evidence a tree maintenance framework, following a fatality in Highgate Wood. A robust maintenance framework was available to mitigate the potential for corporate manslaughter charges and significant reputational damage.
4. Epping Forest currently has a 3-year backlog of 2,020 dangerous trees – created due to Covid-19 staff absences, the effects of TOM staff reductions and the inability of using external contractors to catch up. This risk is reflected at the highest levels of the Risk Register. There is an additional risk of dangerous trees hanging over the M25 motorway.

5. Critical H&S works on known dangerous trees were contracted to Ascending Arbs at £147k (the only tender applicant) to be completed by the end of March 2023. The contractor suffered catastrophic equipment failures and were only able to complete £22k worth of works by 31st March 2023 and the Environment Department subsequently requested to continue the remaining £125k of works at Epping Forest. Additionally, the Natural Environment Division requested to carry out the remainder of works on known dangerous trees in early 2023-24 financial year for £85k, due to not being able to physically complete this work in other parts of Natural Environment lands. These trees are a known threat to life and works are H&S critical.
6. A carry forward request of £210k (£125k outstanding works order for Ascending Arbs and £85k for works to remaining dangerous trees identified) was made by the Environment Department following the 2022-23 local risk underspend of £1.125m overall (City's Cash £569k and City Fund £556k), in relation to urgent works required to address critical H&S works to known dangerous trees throughout the Epping Forest.
7. The carry forward bid was considered by the Chamberlain in consultation with the Chairman and Deputy Chairman of Resource Allocation Sub Committee and it was decided not to approve the carry forward due to the required bid exceeding the year end underspend position for Epping Forest which was only £28k, as the main underspends for the Environment Department occurred in other Divisions of Service outside the remit of Epping Forest charity.
8. After consultation, the Chamberlain has recommended the appropriate source of funding should be City's Cash Contingency rather than utilising an underspend from other Natural Environment charities to fund the works, which would not be appropriate. The additional funding is required as the Natural Environment Division is currently forecast to be over budget for the financial year 2023-24 due mainly to the continuing loss of income at Monument, therefore the cost of these urgent tree safety works cannot be covered by the Directors Divisional budget. Specifically, Epping Forest is on budget for this financial year and covering further additional costs for the tree works would have a significant negative impact upon service delivery and would also result in increased risk to H&S and operational management in other areas. The team is currently understaffed and do not have capacity to carry out the works themselves, which is why we need to appoint external contractors. The work was budgeted to take place last financial year, but the contractors who were appointed experienced unforeseen equipment failures and were therefore unable to carry out the work as planned.

Corporate & Strategic Implications

Strategic implications – none.

Financial implications

9. A bid for additional financial resources of £210k from City's Cash Contingency Fund is therefore required for financial year 2023-24 to complete urgent critical H&S work required to tackle known dangerous trees at Epping Forest.

Resource implications

10. Future works will be retendered and conducted by contractors.

Risk implications

11. Following previous deaths at Epping Forest from incidents involving dangerous trees, its essential known risks to identified dangerous trees are carried out due to further risks to the general public and staff at Epping Forest.

Legal implications – none.

Equalities implications – none.

Climate implications – none.

Security implications – none.

Emily Brennan

Environment Department

T: 07599 200587

E: emily.brennan@cityoflondon.gov.uk