

Neighbourhood Services

Southampton City Council
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Please ask for: Jon Dyer-Slade

Mr P Williams
28 Lordswood Gardens
Southampton
Hampshire
SO16 6RY

10th October 2011

Dear Mr Williams

Stage 2 complaint regarding safety of trees adjacent to 28 Lordswood Gardens

I write in response to your letter of complaint dated 25 August 2011. Firstly, thank you for taking the time to provide the detailed information concerning the above, including the various emails, photographs and diagrams and secondly please accept my apology for the delay in replying. This has not been a straight forward complaint to investigate as I note from the documented information there have been a number of developments on the exact nature of the complaint and what resolution is being sought which has required clarification during the investigation period.

The issues addressed in this investigation response are mainly focused on the tree safety elements (however, it is noted there were also concerns over street cleansing and renewable energy generation).

The complaint in summary, as indicated via email on the 25th August, is that you wished to escalate your stage 1 complaint to stage 2. The reason for this was that you were not satisfied that the safety concerns related to the trees in close proximity to your property had been properly addressed and that the policy being followed by the tree team were incorrect. With regard to the tree safety concerns you would like this considered and looked into before any damage takes place.

In terms of possible resolutions, your email on the 8th September indicated that the only solution you feel appropriate would be to eliminate the concerns (i.e. safety, road cleaning, renewable energy generation) by removing the 7 oak trees (indicated on your plan) in the Dunkirk Road car park.

Details of investigation

The request to escalate the stage 1 complaint to stage 2 was recorded on the 25th August, however it was noted that I was away until the 5th September on annual leave and would not be able to progress this matter until after returning from leave.

The information in the stage 1 complaint has been reviewed and the subsequent exchanges of emails / notes of site meetings since the 25th August have been collated and reviewed. Although the location is known to me I undertook a site visit in September to

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gain a better appreciation of the scale of the trees and their location in relation to your property as part of reviewing the information.

During the various email exchanges and site visits it appears that further clarification has arisen about the nature of the complaint and this is principally about the policy that tree officers work to when considering tree safety, especially in relation to pruning large trees in close proximity to property, not any direct failing in the actual conduct of the officers involved.

The members of the tree team recognise that you are very concerned over the trees proximity to your property and the recent branch drop has highlighted this and increased you and your neighbours concerns about tree safety.

I understand that Mr Gruber has outlined and discussed the risk management process (Southampton Tree Operational Risk Management System) we follow to ensure the many thousands of trees across the city are as safe as possible within the resources at our disposal. From the information reviewed it appears that you feel that this system does not adequately address your safety concerns due to the close proximity of the large oak trees to your property.

Findings of the investigation and resolution proposed:

Firstly, please accept my apology for the delay in responding as I recognise this has taken longer to address than the guidelines in the corporate complaints procedure. The delay is in part due to the fact that a number of actions have been agreed during this period to address your concerns and there are further actions planned that will reduce the risks resulting from a tree related incident as follows:

Mr Gruber has ordered further work to be done to 4 oak trees adjacent to your property that will include reducing and reshaping selected long branches over the property to reduce the weight of the limbs and crown reduce the trees by approximately 10%. The work is scheduled to be done from early October with a completion date of no later than 29th December 2011; the exact date is scheduled in by the manager of the external tree surgery team.

I recognise that from the information reviewed the above tree work is unlikely to fully satisfy your resolution proposal (fell the 7 trees), however, the officers in the tree team feel that they can not recommend that course of action under the current policy.

In order to fully address your complaint **I am recommending a further action that is a possible way forward which involves taking this specific case to the independent oversight group of Councillors who sit on the Planning and Rights of Way Panel.** This group have the delegated power to authorise removal of trees that fall outside the dead, dying or diseased categories if they feel it is appropriate and in the interest of the city. This panel meet most months to consider planning applications and tree preservation order changes and they could make a decision to fell the trees if they felt this on balance was the right thing to do.

The tree officer (Nik Gruber) would write a report outlining the action taken and the recommendations from the tree team, together with your preferred course of action, which we would send to you before the meeting. There would be an invitation for you to attend the meeting and put your concerns direct to the panel and request the removal of the 7 trees for them to consider.

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Having considered the information relating to this investigation I fully understand that you are concerned about the large trees near your property and that you feel more emphasis should be placed on your safety in terms of future of the trees.

The resolution proposed and outlined above is a combination of some additional short term remedial action. Firstly, over the next few weeks to further reduce risk from the trees and secondly to take the matter up with the independent oversight panel who, if support your view, could authorise further action including tree removal which as indicated is your preferred resolution. Subject to the panel agreeing to review the matter the timescale for the meeting is likely to be sometime over the next 4 – 8 weeks.

If you feel this would be an appropriate way forward then please confirm in writing and we can look to arrange for a more definite date as the next two panels are on the 25th October and the 22nd November in the mornings.

If you are not satisfied with my response, you may request that your complaint goes to Stage 3. To do this, you would need to identify which elements of your complaint have not been properly addressed and make your request to:

Corporate Complaints Officer
Corporate Policy & Performance Division
Southampton City Council
Civic Centre
Southampton
SO14 7LY

If the reasons for your request are considered valid, your complaint will be investigated by the Corporate Complaints Officer or by a Senior Officer independent of the Service you are complaining about.

We will consider your complaint closed four weeks after sending out this letter, unless you have asked for your case to be taken to Stage 3 of the complaints procedure.

Yours sincerely

Jon Dyer-Slade
Head of Neighbourhood Services

If you would like this letter sent to you in another format or language, please contact the number at the top of this letter