



Data Protection Officer
Freedom of Information
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Date: 30 July 2020

FREEDOM OF INFORMATION REQUEST 1237

I write further to your letter dated 11 July 2020.

Your request has been dealt with under the terms of the Freedom of Information Act 2000 (FOIA), explained on our [freedom of information](#) page.

Your request:

1. Does the landowner on whose property the trees stand have legal responsibility for any damage and attendant costs caused by those trees when the council controls the actions that the landowner may take on dealing with those trees?
2. Please can you provide a definitive statement of all legal responsibilities in this matter?
3. Does the council have insurance cover for the potential loss of life and damage to property that may occur as a result of their actions and decisions?

Our response:

Regarding your first two questions, the landowner on whose property the tree subject to a tree preservation order ("TPO") grows is responsible for the safety of the said tree. The tree owner has a duty of care to take reasonable care to avoid acts or omissions which they can reasonably foresee would be likely to injure their neighbour. The tree owner also has a duty to take reasonable steps to ensure visitors or trespassers on their land are safe. In practice this means that if a tree fails and causes damage to a person or property then the landowner on whose property the tree grows may be liable.

Any costs incurred in ensuring that the tree remains safe is the landowner's responsibility even where the tree is subject to a TPO and the local planning authority controls the works which may be taken on the tree.

For question 3, the Council is indeed have insurance cover for undertaking the work required on trees. The supply of information in response to a freedom of information request does not confer the right to re-use the information. UK copyright law allows information supplied for the purposes of private study and non-commercial research to be used without permission. Information supplied can also be re-used for the purposes of news reporting except for in the case of photographs.

GOING FORWARD

If you are dissatisfied with the information supplied please feel free to contact me on the number above for any queries in relation to this response. Please note that in responding to further enquiries I can only comment on the information contained within this correspondence and cannot provide any further information that may pertain to an additional FOIA request.

Please remember to quote the Authority's four digit reference number given at the top of this email in any future communications.

If you remain dissatisfied following the conclusion of the above informal review, you have the right to ask for an internal review. A request for a review whether formal or informal should be submitted within two calendar months of the date of receipt of the response to your original letter and should be sent to DPO@NWLeicestershire.gov.uk or the address above.

Further details on our appeals and complaints procedure can be found on our website [here](#).

If you remain dissatisfied following the conclusion of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at accessicoinformation@ico.org.uk.

Yours sincerely

Mackenzie Keatley
Information Governance Officer