

15 June 2023 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks



Cabinet

Supplementary Agenda – Minute references marked to follow

	Pages	Contact
5. Liability For Trees on Common Land	Pages 1 – 2 (Replacement page 7)	Trevor Kennett Tel: 01732 227407
6. Government's Resilience Framework	Pages 3 – 4 (Replacement Page 17)	Trevor Kennett Tel: 01732 227407

If you wish to obtain further factual information on any of the agenda items listed above, please contact the named officer prior to the day of the meeting.

Should you need this agenda or any of the reports in a different format, or have any other queries concerning this agenda or the meeting please contact Democratic Services on 01732 227000 or democratic.services@sevenoaks.gov.uk.

Item 05 – Liability for Trees on Common Land

The attached report was considered by the Cleaner & Greener Advisory Committee on 13 June 2023. The relevant Minute extract is below.

Cleaner & Greener Advisory Committee (13 June 2023, Minute 12)

The Chairman introduced the report which updated Members on the current management of a number of Commons pursuant to a scheme made under the Commons Act 1899 and the extent of the Council's liability. The Head of Direct Services advised that the Council made a scheme for the regulation and management of any Common within the District, under Section 1 on the Commons Act 1899 which was approved in 1925 by the Secretary of State and amended in 1963 and 1966. The Scheme identified approximately 280 hectares of commons land.

Legal advice on the Council's liability for trees on commons land had significantly changed. The Council's primary obligation is to preserve and protect the trees from harm, such as stopping unauthorised felling, rather than to active arboriculture management. As there were identified owners of the Commons, the duty of care under the Occupiers Liability Act imposed a statutory duty on the occupier on visitors' safety. The Council should thus also change its working practice, to reflect Counsel's advice and recent case law, as it was not reasonable to expect the Council to bear all costs for arboriculture works across the commons land scheme.

Members discussed the report. The Head of Direct Services explained that the Council could intervene in cases where land owners were not responding to health & safety issues, such as diseased trees. In these instances the Council would be able to recoup costs after the fact. This change would not affect any ongoing tree works.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That it be recommended to Cabinet that the report be approved.

Item 06 – Government’s Resilience Framework

The attached report was considered by the Cleaner & Greener Advisory Committee on 13 June 2023. The relevant Minute extract is below.

Cleaner & Greener Advisory Committee (13 June 2023, Minute 13)

Members considered the report which provided an update on the UK Government Resilience Framework which had been published in December 2022. The new framework was built around three fundamental principles: a need for a shared understanding of the risks we face; focus on prevention and preparation; and that resilience requires a whole of society approach. The Government framework proposed a number of fundamental changes to the current local arrangements for resilience forums and accountability.

The Head of Direct Services advised that the framework was the first articulation of how the UK Government would deliver on a new strategic approach to resilience. He further highlighted to Members that the multi-agency work across planning, preparation, response and recovery at the local level would continue to be the building block of the UK’s resilience. All risks and emergencies and their impacts were local; only some are regional or national.

In recognition of the central, and growing, role of Local Resilience Forum (LRF) and to ensure that all parts of England could anticipate, prevent, prepare for, respond, and recover from risks and emergencies, the UK Government planned to work to significantly strengthen LRFs. The Kent Resilience Forum had been recognised as current best practice. The three pillars to the reform were Leadership, Accountability, and Integration of resilience into the UK’s levelling up and growth mission and wider local policy and place making.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That it be recommended to Cabinet that the report be noted.

