

## **Letter 1 (initial Letter)**

Date:  
Our Ref:  
Enqs. To: [Serving officer]  
Tel:  
Fax:  
Email: [Officer's email]

*Owner/Occupier*  
*Address line 1*  
*Town/City*  
*County*  
*Postcode*

Dear Sir/Madam,

### **Private Trees Affecting Public Safety**

I write to you to confirm the Council's procedure regarding the suspected dangerous tree in one of your neighbouring properties. I will endeavour to explain the process that you must observe before we can get involved further.

Firstly, the Local Government (Miscellaneous Provisions) Act 1976 bestows certain powers to the Local Authority enabling it to act in order to action dangerous trees. It must be remembered that these are *powers* unlike the Highways Act where it is a *duty* and as such LCC can only get involved as a last resort, where all other alternative courses of action have been thoroughly exhausted and the tree is deemed to be imminently dangerous.

The Council will expect the complainant to have taken the following 3 steps:

1. Written to the neighbour aiming to resolve the issue and following this up with a 2nd letter if no response is received.
2. Arrange for some sort of mediation exercise to be carried out that may help them come to a compromise.
3. Inform the neighbour/tree owner of the intention to complain to the Council. Again, this should be in the form of a letter. If, however, negotiation and mediation fail, they can then submit a formal complaint / letter, together with evidence of (1) & (2) copy letters, to the Council asking to act as an independent and impartial third party and if appropriate to serve Notice under the above mentioned act.

Once the 3 steps have been observed an Officer will inspect the tree. It must be stressed that the role of the local authority is not to mediate or negotiate between the complainant and the tree owner but to adjudicate on whether, in the words of the Act, the tree is actually dangerous to a point where action is now required. This will not necessarily mean work will be carried out or even the entire removal of the tree. The authority must only do what is absolutely necessary to remove the danger.

If on Inspection the tree is actually deemed dangerous, a Notice can be served on the tree owner, under the above mentioned Act, requiring them to make the tree safe within 21 days. Failure to comply with such a Notice means the Council may then enter the land and undertake such works as is necessary to remove the source of danger.

I hope this clarifies our position but if there are any further queries please do not hesitate to contact me.

Yours faithfully

[Officer designation]

[Authority]