

SPSO decision report

Case: 201202464, Scottish Borders Council
Sector: local government
Subject: policy/administration
Outcome: some upheld, no recommendations

Summary

A tree next to Mr C's home fell onto his property. Mr C complained that, before this happened, the council failed to take appropriate steps to maintain trees and the footpath. He said they also failed to adequately assess the situation after the incident and did not handle his complaint appropriately.

In considering Mr C's complaint, our role was to look at the council's tree management process and assess whether it was applied appropriately. The council are responsible for deciding what processes and procedures to put in place. Our investigation found that the council recognised the potential risk caused by dangerous trees and had appointed professional consultants to undertake a survey which started just over a year before the incident. The trees opposite Mr C's home were assessed but no works were identified as needing done. After the incident, the council confirmed they took professional advice from their tree officer before reducing the heights of the remaining trees. In light of this information, we were satisfied that they had an appropriate policy that they had applied, and we did not uphold these aspects of Mr C's complaint. However, we did find that the council had not properly registered his complaint in line with their complaints procedure and because of that, we upheld this aspect of his complaint.