

# Gloucester City Council

<b>Meeting:</b>	<b>Overview and Scrutiny Committee</b>	<b>Date:</b>	<b>8<sup>th</sup> December 2014</b>
<b>Subject:</b>	<b>Tree Policy Update</b>		
<b>Report Of:</b>	<b>Cabinet Member for Environment</b>		
<b>Wards Affected:</b>	<b>All</b>		
<b>Key Decision:</b>	<b>No</b>	<b>Budget/Policy Framework:</b>	<b>No</b>
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<b>Appendices:</b>	<b>None</b>		

## 1.0 Purpose of Report

- 1.1 To update Members on progress regarding the revised tree policy as it relates to City Council Trees and requests to have works done to them.

## 2.0 Recommendations

- 2.1 Overview and Scrutiny Committee is asked to note the information contained in the report:

## 3.0 Background and Key Issues

- 3.1 Amey, our partner, is charged with managing the City Council's Tree stock. The partnership agreement requires Amey carry out hedge cutting, the removal of epicormic growth and carry out an annual tree survey with an associated maintenance programme. On top of that, the 'mini highways' agency agreement requires them to carry out work on highways trees in the City at the request of the County Council. They also carry out works at the request of the City Councils Tree Officer. These requests are generally generated through members of the public and concern trees under city council ownership. For a number of years there has been a process in place that meant only trees causing an actual nuisance had work done to them. There is a set budget for all of this work which essentially pays for one tree gang of 4 individuals.
- 3.2 In March 2014 Overview and Scrutiny committee considered and supported a change to the tree management guidelines regarding how the City Council approved requests to do works to its trees.
- 3.3 The change was due to concerns that the policy was being interpreted too strictly and that trees that 'could' cause damage (but which at the time of inspection were not) were not having works done to them.

- 3.4 The change proposed was to remove the statement “the City Council will *prune branches where an actionable legal nuisance is being caused, e.g. damage to structures*”, and replace this with “*where there is sufficient evidence, the Council will prune and/or remove tree to prevent damage to property*” This change was approved by Cabinet in March 2014.
- 3.5 The change in guidelines was rolled out, with appropriate alterations to the City Council web site and a new leaflet produced. Applications for works to City Council trees are still dealt with on a case by case basis, but where an allegation of damage is made, a more pro-active approach is adopted, whereby if damage is likely in the near future action to avoid this situation is undertaken through an order being raised with Amey.
- 3.6 When orders are now raised they are now categorised as being
1. Emergency and Statutory
  2. Works to abate likely damage (as per change in tree policy)
  3. Works for good arboriculture practice
- 3.7 Any work raised under category 2 will be new and due to the new policy. Although early days, it is clear that the number of orders raised under the new policy has increased. While it appears the change is significant it has to be viewed against the background of general work that is not requested by the City Council’s Tree Officer.
- 3.8 As tree work is very seasonal and weather dependent, the small amount of data we currently have should not be used in an objective way. It is proposed therefore that we return to Overview and Scrutiny with a fuller report when we have at least a year’s figures to hand.**
- 3.9 It is clear that there has been an increase in workload, and as such officers have been trying to ensure that Amey are allowed to carry out their task as efficiently as possible. We have for example worked with the call centre to ensure that they are only called out to genuine emergencies, and the future adoption of the ‘Confirm’ system (a GIS programme that will track works) should allow further efficiencies.
- 4.0 Over the long term it is unclear as to how many future call outs will have been prevented by potentially addressing the problem early, indeed, these figures will be almost impossible to ascertain. What is clear, is that the level of service for residents who raise issues will have increased. However, without further resource for Amey there will have undoubtedly been an impact on other more routine tree gang work such as hedge trimming and programmed works to City Council trees.

#### **.4.0 Alternative Options Considered**

- 4.1 The authority could do emergency work only. However, there would be a significant number of complaints.
- 4.2 Extra resources could be allocated to the contract to allow more work to be undertaken, however this is unlikely in the current financial climate.

## **5.0 Reasons for Recommendations**

- 5.1 The new tree policy has been in place for a number of months. Early indications suggest that there has been an increase in requests from the Tree Officer and hopefully this has led to increased satisfaction amongst residents.

## **6.0 Future Work and Conclusions**

- 6.1 Officers are currently working with Amey on a number on issues to enable them to better their performance. One issue we intend to progress is a GIS based system that will allow the City to understand what is being done and when, with regard to trees across the city. Understanding that expectations of the tree service has grown significantly over the past few years a new part time resource has been brought in as part of the Neighbourhood Management re-structure to help deal with the number of requests made by members of the public.

## **7.0 Financial Implications**

- 7.1 There are no immediate financial implications of this report other than the maintenance of the status quo.

(Financial Services have been consulted in the preparation this report.)

## **8.0 Legal Implications**

- 8.1 Under the Occupiers Liability Acts 1957 and 1984, the Council has a duty of care as landowner to ensure that the trees on its land are not a danger to others. The Council is also subject to the tort of nuisance and can be liable for damage caused by trees on its land where the damage caused is reasonably foreseeable.

(Legal Services have been consulted in the preparation this report.)

## **9.0 Risk & Opportunity Management Implications**

- 9.1 Only low risk has been identified as result of this report.

## **10.0 People Impact Assessment (PIA):**

- 10.1 A PIA screening has been carried out and there is no need for a full PIA

## **11.0 Other Corporate Implications**

### Community Safety

- 11.1 A more pro-active approach can only lead to better tree safety

### Sustainability

- 11.2 There are no significant impacts

### Staffing & Trade Union

- 11.3 None.