

OVERVIEW AND SCRUTINY COMMITTEE

Date: 5 October 2009

Agenda No: 9

TREE MAINTENANCE TASK & FINISH GROUP RECOMMENDATIONS

1 PURPOSE

To inform the committee about the recommendations of the Task & Finish group. This group has been conducting a review of Gloucester City Council's tree policy since April 2009, and also called on witnesses from the County Council, Gloucester City Homes, Enterprise and a Tree Warden to give a wider view as to the Council's current priorities. City Councillors were also consulted by e-mail on typical ward tree issues.

2 BACKGROUND

2.1 Membership of the task group

Councillors Nicholas Durrant (chairman), Gordon Heath and Elaine Emerton

2.2 Terms of reference

- To examine the current state of the Council's Tree Strategy and the level of achievements against objectives.
- To scrutinise the management of trees under the Streetcare arrangement.
- To assess the level of information held regarding the Council's tree stock and any issues emerging from this.
- To appraise the relationship between the City Council and external stakeholders and the impact of other organisations (e.g. Highways Authority, County Council, Enterprise) upon the Council's tree management policy.

3 REPORT

3.1 National Policy Context

The key document in this area is 'Trees for Towns II', issued by the Department for Communities and Local Government (DCLG) in February 2008. In summary, its main points are as follows:

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- Urban trees have an important role in sustainable communities, providing numerous aesthetic, social and health benefits (p5).

- Local Authorities should be encouraged to ‘develop higher standards of management in order to deliver a more efficient and effective tree programme for their communities’ (p32)
- Amongst the list of recommendations made, points included are as follows:
 - At least £15,000 in external funding to be obtained by each local authority for their tree programmes
 - The development and implementation of a comprehensive tree strategy
 - Installation of a computerised tree management system
 - At least 40% of tree maintenance work to be done on a systematic, regularly scheduled cycle
 - Establishment of a programme that will ensure every tree preservation order is reviewed on a specified cycle.(p33 – 34)
- Whilst many tree programmes are under funded, it should be remembered that ‘the urban forest, a multi-million pound asset, could be in danger of being steadily eroded and devalued... (which) will inevitably lead to a growing number of expensive insurance claims.’ (p34)
- Local authorities and tree officers ‘have a vital role to play in promoting... cleaner, greener, safer cities and the development of sustainable communities’ (p34)

3.2 Gloucester City Council Context

Frances Mangan (Streetcare Manager) and Justin Hobbs (Tree Officer) provided the Group with some information regarding the current state of the Council’s policies on tree management on 23rd April 2009. Justin also attended several of the subsequent meetings during the summer of 2009, whilst Gordon Gabb (Senior Accountant) also provided information. The following points emerged from these discussions:

- 3.2.1. The information currently held with regards to the Council’s tree stock was limited, and could contain significant omissions or imprecise details. The current estimate was that around 10,000 trees are looked after by the Council. Should there be a tree survey, there should be a fact finding mission to decide whether this should be undertaken by Enterprise or directly by the Council.
- 3.2.2. The current budget for trees was significantly below the level awarded to the County’s stock. In Gloucester, the County Council had a budget of approximately £40,000 (£300,000 for the whole county) whilst the City spent £10,000. Trees in Towns II suggests a figure of £1.38 per capita, which would be significantly above these two figures combined.
- 3.2.3. Whilst some work had been undertaken to draft a new tree strategy, this was currently incomplete. The existing reports were now obsolete, whilst an attempt to undertake a ward-by-ward strategic approach had been halted after the completion of only one area. It was noted that the authorities which had a good

record on delivering tree maintenance often relied on a comprehensive set of policies rather than an ad hoc approach.

- 3.2.4. The City Council has a series of partnership arrangements that it needs to organise to deliver the service. As well as the Highways Authority, Enterprise and Gloucester City Homes (GCH) are vital stakeholders, and joint working needs to be undertaken with these bodies; however, communications and lines of responsibility could sometimes prove to be an issues here.
- 3.2.5. In particular, one concern emerged as to whether external partners employed staff with sufficient qualifications to undertake the work of arboriculturists.
- 3.2.6. In terms of obtaining external funding, as recommended by DCLG, the restructuring of Streetcare had meant that investigations into this had been limited.
- 3.2.7. Under Part VIII of the Town and Country Planning Act 1990, the City Council may make a tree preservation order if it appears to be 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'. This means that they have a legal duty to ensure adequate tree retention (including on new developments).
- 3.2.8. At present, 40% of tree work is not undertaken as part of a systematic cycle, although 90% of newly-planted trees receive systematic assessment until they are established.
- 3.2.9. The underlying ethos can best be summarised as 'the right tree in the right place'; in particular, the mistakes of the 1960's and 70's, which saw inappropriate trees planted, had to be avoided.
- 3.2.10. Whilst the City has good relations with the County, with strong and rapid communications, these are not subject to formal provisions.
- 3.2.11. Martin Shield (Corporate Director Services and Neighbourhoods) and Steve Morgan (Cabinet Member for Environment) provided information to the meeting on 22nd July 2009.
- 3.2.12. The Council's position on replacing trees was currently based on an ad hoc policy. Instead of automatic 'like for like' replacement, budgetary and environmental implications were analysed. However, the Council was discussing future tree provision and wanted to end any discrepancies emerging from this process.
- 3.2.13. Whilst the County was considering funding 'like for like' replacement, the City was looking to consider the costs and the proposals before committing itself to any such policy. The limited Streetcare budget and the fact that different wards have

different priorities were considerations here. The tree planting budget was small, and tended to focus on schools and similar amenities.

- 3.2.14. In terms of increasing the tree budget, to ensure that the City was spending the same per tree as the County, this would be hard until a tree survey had been completed as the precise level of disparity was unclear. In addition, the condition of the tree stock would need clear assessment before any proposals could be made.
- 3.2.15. The new Streetcare Manager's role will feature exploration of potential external funding as a key element. Community partnerships will be pivotal in the process.
- 3.2.16. Concern was expressed as to the City Council's position in defending injury claims without an ongoing regime of inspection and maintenance for all of its trees.

3.3 External Stakeholders & Partners

Gloucestershire County Council

- 3.3.1 Gloucestershire County Council has significant responsibility for the trees present in Gloucester. Jason Humm (Highways Area Manager, Gloucestershire County Council) gave an account of these roles to the meeting on 10th June 2009. The Highways Act 1980 is the central piece of legislation governing this area; under this legislation, the County's responsibilities are outlined, with a duty of care necessitated and the inspection of trees across Gloucestershire to be undertaken. Any trees to be removed by the County have to have a written justification (except in circumstances where immediate removal is required due to risk).
- 3.3.2 The County manages the safety of trees within the Highway boundary; this covers network safety as well as routine maintenance. The County has two full time arboriculturists, whose work is supported by other Highway staff. Tree policy is member approved and then delegated to officers.
- 3.3.3 It is not the County's policy to replace trees automatically; however, the integrity of the network is maintained. Where possible, replacing trees on a one-to-one basis does take place. The budget is in place to cover work required by changes in the tree stock, although emergencies (e.g. high winds) can cause this to change.
- 3.3.4 The County's Highway Tree Inspection and Routine Maintenance Guidelines cover their policy. The overall objective is to minimise risk on the network through programmed inspections. Gloucester is considered high risk and therefore inspected every 18 months.

- 3.3.5 Should there be a conflict between the County and City on Tree Preservation Orders, then the County can overrule the City (with some exceptions).
- 3.3.6 The County Council is willing to consider joint funding with the City Council of replacement trees to reinstate locations where trees have been removed in the past. This should be targeted at roads such as Tuffley Avenue where its original nature as a tree-lined avenue has been affected by unsuitable trees being removed in the past and never replaced with suitable ones. Therefore an environmental benefit can be identified.

Enterprise

- 3.3.7 Keith Rowe (Enterprise General Manager) and Carol Dovey (Enterprise Streetcare Manager) provided information to the meeting on 24th June 2009.
- 3.3.8 In terms of tree maintenance, Enterprise are required to work on a reactive basis. This occurs where works orders are received; at this point, the work requested is carried out. They are not required to provide a proactive service.
- 3.3.9 They have a specific budget to maintain trees, covering both City and County Council stock. This was established when the contract was initially set up, and may be subject to revision. The overall figure is £50,000, with £40,000 set aside for County stock and £10,000 for City trees. This means that the £10,000 is used to cover approximately 51,000 trees.
- 3.3.10 Enterprise employ arboriculturists; these individuals consult with City Tree Officers to ensure that Tree Preservation orders are not violated. They also have to consult with the City Council if low-level work such as pruning is being undertaken. However, whilst the City Tree Officer stated he was happy with the work undertaken by Enterprise, there were some questions raised as to the level of communications between Enterprise and the Council.
- 3.3.11 In terms of conservation areas, it is the City Council's role to identify the required work beforehand, which Enterprise then undertake. Officers can also change the work requested if issues become apparent as the task is completed. There are some concerns over the need for fully qualified arboriculturists as opposed to tree surgeons should the workload become more complicated.

Gloucester City Homes

- 3.3.12 Ashley Green (Chief Executive, Gloucester City Homes) was interviewed at the meeting on 22nd July 2009.

3.3.13 The tree maintenance work undertaken by Gloucester City Homes is a mixture of proactive and reactive work, with the emphasis on the latter. Tenants also have some responsibility here, although this is often overlooked; one example on the Stroud Road led to the involvement of an ombudsman - tenants are informed that they cannot remove trees. Much of their work is undertaken in partnership with organisations such as the Highways Agency or Enterprise, although some work involves their own initiative (e.g. pollarding trees in narrow streets).

3.3.14 The contract between Gloucester City Homes and Enterprise can make issues regarding ownership and maintenance complicated. The status quo can lead to split responsibilities and needed amending in the view of Ashley Green. As a result, all electronic information on the tree stock should be merged to avoid any gaps in information forming. However, he also argued that the database should exempt Highways property. In addition, a database on trees occupying private land would be costly and potentially intrusive.

4 RECOMMENDATIONS

The Tree Maintenance Task & Finish Group recommends that the Cabinet gives careful consideration to this report when discussing the future of tree management. The committee requests a written response by 7 December 2009 outlining how the Cabinet intends to address the following key issues identified by the group:

- a) A tree survey should be completed, giving a clear picture as to the precise state of Gloucester City Council's tree stock (paragraphs 3.1, 3.2.1, 3.2.2 and 3.2.14).
- b) Once the tree survey has been completed, measures should be taken to tackle the disparity between City and County Council levels of funding per tree (paragraphs 3.2.2 and 3.2.14)
- c) The City Council should advocate a policy of automatic replacement where possible and appropriate with the County Council (paragraph 3.2.13)
- d) A comprehensive database should be established and regularly maintained, containing details of all trees in the City Council's stock. All new trees should automatically be added to this database, including those planted as part of new developments. Information on Gloucester City Homes trees should be integrated into this database (paragraphs 3.1, 3.2.1, 3.2.4 and 3.3.14)
- e) Joint funding with the County Council should be sought for the replacement of trees. The Tree Officer should be tasked with identifying streets where the replacement of trees removed some time

ago would be environmentally beneficial; this should involve a small number of precise locations. (paragraphs 3.1, 3.2.12, 3.3.3)

- f) The City Council or Enterprise should be tasked with gaining external funding; the individual given this responsibility should work alongside the Funding Specialist working for Gloucester City Homes (paragraphs 3.1, 3.2.6 and 3.2.15)

- g) The City Council should ensure that staff from partner organisations involved in tree inspection and maintenance are fully qualified as part of the contract (paragraphs 3.2.4, 3.2.5, 3.3.10 and 3.3.11)

Councillor Nicholas Durrant
Spokesperson for Tree Maintenance Task & Finish Group