

PAPER NO. 7

REPORT TO THE EXECUTIVE MEETING OF 7 NOVEMBER 2011

Status: For comment
Title: Tree Work Policy
Originator: Matthew Bills – Public Spaces Manager
Where from: Originator
Where to next: Management Team

1 Purpose of the Report

1.1 To seek approval from Executive for implementation of the new tree works policy shown at Appendix A.

2 **Recommendations:**

2.1 **That members approve implementation of the tree works policy as shown at Appendix A.**

3 Summary of Reasons for the Recommendations

3.1 During the business planning process of 2010/11 it was resolved that “non-essential tree works” was removed from the open spaces budget. This has led to some concerns and questions raised by the public when requesting works to Council owned trees that adjoin their gardens.

3.2 By implementing the tree works policy officers will be able to give consistent information to members of the public, and ensure that all tree works are determined in a fair and open way.

4 Impact on Communities

4.1 Communities will be able to obtain consistent information from officers and apply for tree work to be undertaken to trees.

4.2 The tree work for the Council will be prioritised with the only work undertaken for Health and Safety reasons. In some instances this will not be satisfactory to residents; however the tree work policy explains the resident’s rights and obligations towards tree maintenance.

4.3 Residents will be required to complete a tree works request form prior to the application being considered. This application form is shown at Appendix B.

4.4 Residents may express dissatisfaction that trees are not being scheduled for tree work, and this may be expressed to elected members.

5 Key Facts

5.1 The non essential tree works budget was cut in the business planning process and residents have not been satisfied with the responses given by officers concerning what works the Council is able to undertake and those works that it is not in a position to complete.

5.2 The Council undertakes an annual programme of tree inspections which gives a prioritised programme of tree work. This accounts for the entire budget that is allocated for this element of the Grounds Maintenance contract.

6 Legal Issues

6.1 As an occupier of land the Council is obliged to maintain its trees in a safe condition and inspect trees on a regular basis.

6.2 A neighbour may prune trees, roots and shrubs back to the boundary, but not beyond the boundary structure.

6.3 There is no right to light for property owners, unless the right to 'Ancient Light' can be proven. (This is a right to light of more than 20 years). This only applies to windows

7 Resource Issues

7.1 The budget for non essential tree work was cut in 2010. The adoption of a tree work policy will support officers when informing the public about whether work will be able to be undertaken to adjacent trees.

8 Equality Impact Assessment Implications/Outcomes

8.1 An initial equality impact assessment has been undertaken and no adverse impacts have been identified on priority groups. A larger print version will be provided for those users with a visual impairment, and the policy and application form will be available on the website for users that prefer to use e – readers.

9 Impact on the Organisation

9.1 By consistently applying an approved tree work policy residents will be given certainty that their request is being considered in a fair and transparent manner.

9.2 Consistent and accurate information will enhance the reputation of the Authority, even though it may not be the reply that the resident wanted to hear.

9.3 By not consistently applying the decision to cut non-essential tree work officers will be uncertain about the information to give residents, and this will lead to dissatisfaction of employees.

10 Community Safety Implications

10.1 None associated with this policy. Trees will continue to be checked for health and safety purposes and any work arising will be undertaken for health and safety reasons

11. Carbon Management Implications

11.1 None

12. Risk Management Implications

12.1 None

13 Consultation

13.1 Consultation has been undertaken with neighbouring Authorities to determine their approach to tree work requests.

13.2 Internal consultation has been sought during development of the tree works policy.

13.3 Consultation was undertaken with the citizens' panel and elected members during the business planning process and in deciding whether to cut the non-essential tree works budget.

14 Options Considered

14.1 It was considered whether to not apply a tree works policy, but this would lead to uncertainty for officers, residents and the elected members.

15 Background Papers

15.1 *None*

Previous report(s):

Information Issued Under Sensitive Issue Procedure: Y/N

Ward Members Notified: N

Appendices:

- A. Tree Works Policy**
- B. Tree Work Application Form**
- C. Equality Impact Assessment**