

**REPORT TO:** Environment and Urban Renewal  
Policy and performance Board

**DATE:** 23 March 2016

**REPORTING OFFICER:** Strategic Director – Community and Resources

**PORTFOLIO:** Physical Environment

**SUBJECT:** Findings and recommendations of the 2015  
Tree Working Group

**WARD(S)** Borough-wide

1.0 **PURPOSE OF THE REPORT**

1.1 To inform the Board of the work of the Tree Working Group and to report on its findings and recommendations.

2.0 **RECOMMENDATION: That the recommendations of the Tree Working Group be considered by the Board and if agreed they be taken forward to the Executive Board with a recommendation that they be accepted.**

3.0 **SUPPORTING INFORMATION**

3.1 The Tree Working Group was set up at the June 2015 meeting of the Environment and Urban Renewal PPB. In 2015 Internal Audit issued a report on their audit of the tree inspection and management. They identified a number of the recommendations made by the previous Tree Working Group had not been fully implemented.

In June 2013 the PPB received a report from a Tree Working Group. It made seven recommendations and the following four have been revisited by the 2015 Tree Working Group:

**Rec. 1** - *The Council develop a new tree strategy that clearly articulated how the Council managed its tree Stock.*

**Rec. 5** - *Officers identify a suitable tree management system (database) that allowed mobile working and resources be made available to procure such a system or develop one in-house. The system being able to speak with other Council IT systems be investigated, Members recognised budgets were tight at this time but the potential risk of more accidents and claims could be avoided by investment.*

**Rec. 6** - *The Operational Tree maintenance Team be strengthened so that more proactive maintenance work can be carried out.*

**Rec. 7** - *Officers explore all opportunities to derive income from the Council's tree stock through the sale of logs or arisings. In particular opportunities relating to biomass energy production should be explored.*

Internal Audit 'assurance opinion' stated:

*The Council has made progress and established a system to inspect trees within public parks and highways, which are considered to be the areas of highest risk. However, there is currently no system in place to identify and inspect trees on other land owned by the Council. Therefore the Council has only limited scope to identify and manage the risks presented by the tree stock within the borough.*

*We found the management information in regard to tree maintenance to be poor. As such it is not possible to provide assurance that urgent work is completed promptly or that the system of inspection to ensure work is carried out to the required standards is operating effectively.*

*Potentially this could weaken the Council's defence of any insurance claims arising from injury or damage caused by trees.*

Internal Audit will carry out a follow up audit on their recommendations.

- 3.2 The working group has held six meetings, three of which have been with Open Spaces Service managers and technical officers.
- 3.3 The Tree Working Group 2013 recommendation to upgrade the IT system has not been implemented. The Open Space Service reported that the Council's ICT division currently has a heavy workload of approved projects, including Executive Board approved works. Therefore developing a system for the Open Space Service has not been a priority.

The Tree Working group submitted sixteen samples of jobs logged on the Mayrise Grounds system in Quarter 3 of 2015/16. The system is used by the Open Space Service to organise its work and record calls.

The Tree Working group found a lack of updates on the progress of these jobs; however in discussion with Open Space Services managers it was found that the majority of these had been completed. There is a reliance on only three officers to maintain this activity. This makes it difficult for managers to monitor the department's work.

Other issues raised were:

- a) Operational managers are reliant on printed worksheets for call related data (and use for work instruction on sites).
- b) There is problem in prioritising work and targets are not being reached. Calls present two distinct targets. The first to acknowledge the call to the caller (which may or may not inform on potential works). Where works are required (following site assessment) a second target will be created for the completion of works, on a priority basis.
- c) A number of different systems are in use in the Open Space Service.
- d) “Nothing at their fingertips, we have been doing workarounds for years.” Mayrise Grounds database does not lend itself to effective calls management; pertinent data fields are not clearly defined for purpose and, therefore, present a need to use alternative methods for effective data collection.

Management identified two improvements.

- The creation of a link from the HDL call centre to the Open Space Service system, as the Highways division currently have. At present calls are going to three separate systems.
- Hand held terminals be provided to supervisory staff to enable them to update database remotely.

Open Space Services have looked at a number of systems without success. Several applications contain one or more of the necessary elements for effective asset data, works and call related information management, to a greater or lesser extent. However, none of those considered to date present an effective solution within a reasonable cost.

### **Findings:**

As previously reported the current systems are not fit for purpose. With the impact of budget cuts in the future affecting staff levels this can only get worse.

### **Recommendation:**

The Open Space Service and the ICT Division should work with the Mayrise company to develop a better system.

Or ICT, working with the Open Space Service, should develop a customised system, which should be integrated with other systems as management described above.

A meeting with Yotta, the new owners of Mayrise, has taken place to consider development of the Mayrise Grounds application/database. Yotta declined to commit to any development. However, they have proposed that the Grounds data be tested within an alternative element of Mayrise. Data has been passed to Yotta and testing will commence shortly.

The Open Space Service has agreed with Internal Audit on the need for a new database for tree inspections.

- 3.4 The Planning division have a number of Council policies and national laws to enforce. Some relate to the green environment.

### **Findings:**

As the Planning department's work is dictated by the Council's policies and statutory legislation.

The Tree Working Group identified a number of improvements to the assessment of planning applications:

*The impact of a proposed development on the ecology and trees should take into account the long term effect of changes in the green environment. For example height of trees at maturity should not be greater than the property heights. Have regard to root spread.*

Management responded: Such constraint would render sites to an extremely limited range of species and consequent limitations on habitat, amenity (pollution attenuation/mitigation) and longer term Sustainable Urban Drainage contributions.

Resilience - the more limited the range of species, the greater the potential for significant & widespread failure due to Pests and Diseases. The Open Space Service already comments on proposed planting plans at Application stage, where any inappropriate species and/or locations are revised.

The incidence of root damage from trees is relatively low in Halton. (since 2011 we have had 23 cases, of which, after investigation, we have accepted responsibility and paid out on 11) The root activity of trees is not wholly predictable and can be affected by a large number of variable factors. E.g. soil type, species, surrounding environs. This is already effectively managed within the Planning Consent & commenting process.

## 4.0 **POLICY IMPLICATIONS**

- 4.1 The Core Strategy and the Unitary Development Plan both contain

high level policies on the green environment. Specifically, policy document GE27 Trees. The policies can be summed up as:

1. Preserve and protect
2. Increase the woodland cover to meet the Council's object for a Healthy Halton

Their intention is to improve the environment the community live in.

The Tree Working Group felt that this may have the effect of effect of creating a culture that places trees above the needs of individual residents.

An example being:

*The 'right to light' is not one that residents have a legal entitlement to. This is one area of residents' complaints that is not dealt with to their satisfaction. The lack of a legal right is not a reason for not giving a resident access to light.*

Officers explained that although there is no legal entitlement to a 'right to light' efforts are always made to be a 'good neighbour'. When it is possible to improve a light situation without detriment to the tree then work will be undertaken, even if that work is not required for any other practical reason. It is proposed that this is articulated within the Urban Tree Strategy document, currently in its final draft stage.

### **Findings of the Tree Working Group:**

- a) *The group believes that the current policies do not go into specifics about how the Open Space Services should operate. This is largely left to the Division.*

The officers response was that the service operates within the parameters of BS5837 and BS 3998 which affords the Council protection when it is challenged over decisions that it has made in relation to trees

- b) *The relationship between residents' needs and environmental needs is not adequately described.*

Officers have proposed that this will be described thoroughly in the Urban Tree Strategy document.

- c) *Tree Preservation Orders are created under delegated authority. There is no neighbourhood consultation.*

Officers explained that Consultation is inherent within TPO

Regulations (Town and Country Planning Act 1990). Although served with immediate effect, there then follows a two week period where each Order is subject to a thorough Appeal process via the Planning division prior to Confirmation

### **Recommendations of the Tree Working Group:**

- a) *We should review the policy on trees to make it serve the needs of residents better while preserving the green environment.*

The officer response was that An Urban Tree Strategy is in the final draft stages and it is proposed that this recommendation would be contained within it.

- b) *When an area is adopted inappropriate trees should be removed by the owner at their expense.*

Officers explained that this is already the current practice and that it will be enshrined within the Urban Tree Strategy.

- c) *When a resident complains about a tree the officer inspecting it may, quite rightly, decide no action is needed. The resident should have a right to appeal to the Divisional Manager of the Open Space Services and then, if not satisfied, appeal the decision to the EU PPB. A member from the Ward would present the case for the resident at the UR PPB.*

The officer response was that existing practice includes a referral process (operational inspection decisions can be referred to the Open Space Officer - Trees & Woodlands). All decisions are supported with clear response to callers (which can be made in written form when requested). A complainant is then able to appeal to the Divisional Manager and if still not satisfied they would then be able to make a Corporate Complaint. If there were to be an appeal panel of members, care would have to be taken to apply the same principals as the officers currently do so that the Council could defend itself, if challenged, about the decision made.

- d) *Use additional resources for non-planned work, e.g., diseased tree removal, storm damage clearing. The cost of this would be met from the proposed earmarked reserve.*

The officer response was that this would be possible through the use of additional hours (overtime) and/or employing contractors.

- e) *TPOs should have a neighbour consultation as with other*

*planning matters. If requested, a resident who wants the matter referred to the Development Committee should be able to request this.*

Officers believed that this is already part of the process. TPOs are administered by Local Planning Authorities (LPA) (e.g. a borough, district or unitary council or a national park authority) and are made to protect trees that bring significant amenity benefit to the local area. This protection is particularly important where trees are under threat.

If a local planning authority makes an Order, it will serve notice on people with an interest in the land, inviting representations about any of the trees covered by the Order. A copy of the Order will also be made available for public inspection. Following consideration of any objections and comments the authorities can decide whether or not to confirm the Order.

## 5.0 **OTHER/FINANCIAL IMPLICATIONS**

- 5.1 The Tree Working Group believes that cut backs have hit management team and field staff numbers and that this has had an effect on the work of the Open Space Service.

In light of subsequent budget cuts the 2013 Tree Working Group's recommendation to strengthen the operational team is no longer possible.

Reduced staffing has impacted on the Division's performance. An example of this is the non-enforcement of TPOs. Enforcement is a Planning function but reductions in/to the Open Space Service staffing does impact on evidencing of enforcement.

There has been a lengthening in response times to the public from the original 2 weeks target. This has resulted in an increase in complaints about the service provided.

From April 2016 the Open Space Service will reduce by 17 front line staff.

The division's budget is based on an expected work load.

### **Findings:**

- (a) The current budget setting does not take account of one off issues such as disease problems, or storm damage.
- (b) This Division, like others, mostly performs non statutory tasks and is therefore at greater risk of service cutbacks in future years.

## **Recommendations:**

An Earmarked Reserve should be created from the General Fund to cover the cost of one-off events. (For example the Dutch Elm affected trees that are known about, would cost in the region of £9,725 to fell.)

Wood off-cuts and wood chippings should be used as a means of income generation through sales to third parties.

## **Legal**

The Council have a duty of care in civil and criminal law for the safety of the trees in the borough.

*The Internal Audit report commented - The Council presently receives only a few compensation claims each year in respect of damage or injury caused by trees and the sums paid out have been very low. However, the financial and reputational cost to the Council would be significant if an individual was killed or badly injured by a poorly maintained tree for which the Council is responsible.*

They also found that a permanent tree inspection schedule has yet to be established.

Since the last Audit, a basic interim schedule has been put in place and a draft Policy approach to meet our legal obligations & liabilities (through a Risk Matrix) is awaiting implementation upon receipt of traffic data. If data is unavailable by April 2016 the Open Space Service will progress on the basis of a Road Priority category.

## **Recommendation:**

To reduce the risk of legal action the Council needs to ensure that it has a record of inspection work.

This links in with the recommendations at IT above.

Note, Open Space Services management has agreed with Internal Audit to write a strategy that will be used to determine an inspection routine. The progression of the Urban Tree Strategy is awaiting/dependent on completion of the Risk Matrix, but is anticipated to go to the Executive Board in spring 2016.

## **6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

### **6.1 Children & Young People in Halton**

No Implications.



## 6.2 **Employment, Learning & Skills in Halton**

No implications.

## 6.3 **A Healthy Halton**

Health benefits of urban trees fall into two groups: the pollution-controlling aspect and the benefits of the spaces they create.

### **Urban pollution**

Trees have a positive impact on the incidence of asthma, skin cancer and stress-related illness by filtering out polluted air; they also reduce smog formation and shade out solar radiation.

A large beech tree can provide enough oxygen for the daily requirements of ten people, and catches dust and pollutants on its leaves.

### **Wellbeing**

Trees also provide a calm setting for recreation, and promote outdoor activity in safe, community spaces.

Studies have shown that patients in hospital rooms with views of trees and plants made fewer requests for pain medication and experienced a speedier recovery following surgery than did patients with views of streets and buildings from their windows. A tree view provides a temporary escape, and can even improve office workers' job satisfaction.

## 6.4 **A Safer Halton**

Two mechanisms are suggested by which crime rates might be reduced by trees. The first is through an increase in surveillance, essentially because public open space with trees tends to be used much more than space without trees.

The second mechanism relates particularly to violent crime and relates to evidence that vegetation has a mitigating effect on mental fatigue, itself often a precursor of outbursts of anger and violence.

The adoption of the NTSG document within the Urban Tree Strategy means that our whole ethos of inspection is based around Public Safety.

## 6.5 **Halton's Urban Renewal**

Trees have many positive benefits to the urban environment and their visual impact can make areas more desirable for residents and

businesses.

**7.0 RISK ANALYSIS**

7.1 There are risks to the Council if it does not have appropriate arrangements in place to inspect trees within public parks and highways. Those risks were identified within the respective audit reports identified above.

**8.0 EQUALITY AND DIVERSITY ISSUES**

8.1 There are no equality and diversity issues associated with this report.

**9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

There are no background papers under the meaning of the act.