



Report Reference Number: E/18/05

To: Executive
Date: 7 June 2018
Status: Non Key Decision
Ward(s) Affected: All
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Lead Executive Member: Cllr Chris Pearson, Lead Executive Member for Housing, Health and Culture
Lead Officer: Julie Slatter, Director of Corporate Services and Commissioning

Title: Policy for the Management of Selby District Council Owned Trees

Summary:

Selby District Council has statutory responsibility for the management and maintenance of trees on Council owned land. The Council now intends to formalise and publicise this policy and approach to managing trees. This will allow the Council to more efficiently manage the trees on Council owned land. It will also enable a consistent approach to managing the range of enquiries and requests for works that it receives, and ensure that risks are managed effectively to ensure public safety.

The purpose of this report is to set out the draft policy for approval and adoption following a period of public consultation and input from Policy Review Committee.

Recommendations:

i. It is recommended that the Executive approves the report and adopts the policy for the management of Selby District Council owned trees.

Reasons for recommendation

Executive are asked to adopt the new policy to ensure that the Council has a robust and compliant approach to the management of trees on its land, and effective risk management.

1. Introduction and background

- 1.1 Selby District Council has statutory responsibility for the management and maintenance of trees on Council owned land.
- 1.2 The Council currently has no policy or guidelines in place for this and although there is no legal requirement for us to do so, the adoption of a policy will ensure that the Council is directing its resources effectively to focus on its statutory functions, effective risk management and public safety

2. The Report

- 2.1 As there is currently no written policy, there has been an inconsistent approach to tree management and maintenance and on occasion works have been carried out to trees, to resolve an issue that is not the obligation of the Council, but that of a third party. A formal written policy will remove the inconsistency, and provide officers and ward members with additional support when advising residents on the Council's legal obligations.
- 2.2 The Policy sets out the legal responsibilities that the Council has for trees in its ownership, and explains clearly what we will and won't do in dealing with a full range of scenarios that might impact on our trees and communities.
- 2.3 The 'Tree Management Explained' section of the policy breaks down the main enquiries that the Council receives into a number of themed areas and explains how we will respond to these enquiries.
 - Risk Management – the Council's approach to risk management
 - Trees Causing Shade, Overhanging or Encroaching on Property – clarifying the Council's approach to 'right to light' and other common enquiries
 - Trees Causing Obstruction or Interference – management of the Council's trees in relation to buildings and infrastructure
 - Naturally Occurring Tree Behaviours – the Council's approach to natural occurrences which may be perceived as a nuisance such as leaf and blossom fall
 - Trees Relating to Buildings and Structures – the Council's approach to allegations of structural damage
 - Trees Within SDC Property Gardens – tenant responsibilities
 - Routine Tree Maintenance – the Council's approach to routine tree maintenance
- 2.4 The Policy does not include information relating to planning issues, TPO's and trees in conservation areas or high hedges as there is already existing policy and legislation that covers these areas. Additional information will be made available on the Council's website signposting residents to this.
- 2.5 Prior to a period of public consultation the draft policy was presented to Policy Review Committee on 13 March 2018, to provide the committee with the opportunity to influence and inform the development of the draft policy.

- 2.6 Policy Review Committee considered the draft policy, gave feedback, expressed their support and requested clarification around
- Land ownership
 - Privately owned trees affecting council property
- 2.7 Minor amendments were made to the draft policy following the meeting which included incorporating details of third party organisations which also have responsibility for tree management, and amending the section on privately owned trees to cover how SDC will respond to issues caused to our land or property by third parties. For example by overhanging trees or by root damage.

3. Consultation

- 3.1 A consultation on the draft policy was run for a four week period, and the public, Councillors, Parish Councils, stakeholders (including North Yorkshire County Council Highways) were invited to comment.
- 3.2 Fifteen responses were received from a range of individuals and organisations and the following amendments have been made as a result.
- A section has been included on the control of disease e.g. ash die back
 - The draft policy has been amended to include reference to electricity wires
 - The draft policy has been amended to include a section on root damage to highways.
- 3.3 A full summary of all consultation responses can be seen in Appendix A.

4. Implications

4.1 Legal Implications

The draft policy takes into account the Councils statutory obligations principally under the following acts:

The Highways Act 1980
The Occupiers' Liability Act 1957 & 1984
The New Roads and Streetworks Act 1991
The Health and Safety at Work Act 1974
The Wildlife and Countryside Act 1981 and
The Town and Country Planning Act 1990

The draft policy has been developed with guidance from the Council's Legal team and will ensure that we are meeting our legal obligations with regards to tree maintenance.

4.2 Financial Implications

Formalisation of the management and maintenance of Council owned trees will help to ensure that the Council is directing its funding effectively and only on those works which we have a legal obligation to carry out.

4.3 Policy and Risk Implications

The Council currently has no policy or guidelines in place for this and although there is no legal requirement for us to do so, the adoption of a policy will ensure that the Council is directing its resources effectively to focus on its statutory functions, effective risk management and public safety

4.4 Corporate Plan Implications

Providing a consistent approach to Council owned trees via a policy links to the delivery of Corporate Plan priorities – ‘to enjoy life’ through the contribution of trees to a healthy environment; ‘to make a difference’ as the policy will help people to self-serve most enquiries; whilst supporting the Council to ‘deliver great value’ by communicating well with customers, and increasing productivity by only dealing with our statutory obligations

4.5 Resource Implications

Adoption of a tree management policy will allow the council to more effectively manage its resources by concentrating on those works which we have a legal obligation to carry out.

4.6 Other Implications

N/A

4.7 Equalities Impact Assessment

Due consideration has been given to equality, diversity and community issues, and a screening document has been completed.

The key findings of the screening acknowledge that the Council has the discretion to take into consideration special circumstances of tenants with protected characteristics and fund additional works to trees, if it is considered necessary and beneficial, outside of the Policy.

5. Conclusion

- 5.1** Executive are asked to adopt the new policy to ensure that the council has a robust and compliant approach to the management of trees on its land, and effective risk management.

6. Background Documents

Equality, Diversity and Community Impact Screening Document

7. Appendices

Appendix A – Policy for the Management of Selby District Council Owned Trees

Appendix B - Summary of consultation responses.

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