



## Public Session

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**To:** Policy Review  
**Date:** 13 March 2018  
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**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 and seek the views of the Policy Review Committee to inform the consultation draft of the policy prior to a period of formal public consultation.

### Recommendations:

**To consider and comment on the Draft Tree Management Policy.**

### Reasons for recommendation

To ensure the Policy Review Committee have the opportunity to influence and inform the development of the draft policy.

#### 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 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.

### **3 Legal/Financial Controls and other Policy matters**

#### **Legal Issues**

3.1 The draft policy takes into account the Council's 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.

#### **Policy Issues**

3.2 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.

#### **Financial Issues**

3.3 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.

#### **Impact Assessment**

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

3.5 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.

### **4. Conclusion**

4.1 The Policy Review Committee are being asked to provide comment to inform the development of a draft policy prior to formal public consultation.

## **5. Background Documents**

Equality, Diversity and Community Impact Screening Document

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### **Appendices:**

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