



Name of meeting: Economy and Neighbourhoods Scrutiny Panel

Date: 10/01/2023

Title of report: Trees Team Capacity & Tree Policy Review

Purpose of report: To brief scrutiny panel and seek comment

<p>Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards? Decisions having a particularly significant effect on a single ward may also be treated as if they were key decisions.</p>	<p>Yes/ no or Not Applicable If yes give the reason why</p>
<p>Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)?</u></p>	<p>Key Decision – /No Private Report/Private Appendix – No</p>
<p>The Decision - Is it eligible for call in by Scrutiny?</p>	<p>Yes/No or Not Applicable If no give the reason why not</p>
<p>Date signed off by <u>Strategic Director</u> & name</p> <p>Is it also signed off by the Service Director for Finance?</p> <p>Is it also signed off by the Service Director for Legal Governance and Commissioning?</p>	<p>Colin Parr, Strategic Director Environment and Climate Change – 21/12/22</p> <p>n/a</p> <p>n/a</p>
<p>Cabinet member portfolio</p>	

Electoral wards affected: all

Ward councillors consulted:

Public or private:

Has GDPR been considered?

1. Summary

The report sets out the current position of the Council's Trees Team (forestry), in terms of its capacity challenges, and provides an overview of the ongoing tree policy review. Including the new draft policy document emerging from this review process. By way of briefing the Panel, to allow comments and feedback to be provided.

2. Information required to take a decision

The Health and Safety at Work Act, and the Occupiers Liability Act place a duty on the Council to manage its trees to reduce any risk they may pose to an acceptable level. The Highways Act also places a duty on the Council, as the Highways Authority, to ensure the safety of road users and to clear obstructions to the highway network.

Research has shown that trees provide valuable benefits to a district, ranging from:

- **Wellbeing and mental health:** example, signs of stress are measurable and reduce within 3-4 mins of a person moving into a green tree'd environment.
- **Biodiversity:** example, trees and woodlands are one of the top habitats in terms of the breadth of ecology they support.
- **Pollution absorption, carbon capture:** example, research shows that a single tree can reduce air pollution particulate matter by 15-20% and that in a year 100 mature trees can capture up to 53 tonnes of carbon
- **Beautification- economic uplift:** example, research shows a 20% house price increase in streets with views of trees and a 40% foot fall increase in retail areas with a well-planned treescape.

Aerial survey data estimates that there are approximately 190,000 trees on Kirklees owned land (including highway verges, open spaces, woodlands etc). Using the Capital Asset Valuation for Amenity Trees (CAVAT) methodology. The Council stock of urban street trees alone, has an estimated value as an asset, of £51,000,000. The majority of the management works to council trees are undertaken by the Council's trees team, comprising fifteen members of staff, the core of which is made up of:

- Four Tree Inspectors, who carry out:
 - Repeat inspections, as a core part of their role, undertaking a cycle of safety assessments, to meet the adopted policy and industry best practice
 - Processing ad hoc requests, mainly matters submitted by members of the public relating to low level nuisance from trees, leaf litter, shade, bird faeces and seasonal debris, seeds, fruits etc.
- Eight Arborists undertaking the practical operational tree works:
 - Emergency call out, 24/7 standby
 - Safety works to dead/dangerous trees

- Statutory functions, highways clearances etc
- Act as an internal contractor.

The team holds no budgets for management of council trees, instead operates as a trading account, generating income internally.

Currently the team is experiencing challenges relating to attracting and retaining staff, with vacancies running at 30% across the team.

The team is also experiencing a progressive rise in ad hoc complaints mainly relating to low level nuisance from trees. Which appears to be driven by an imbalance between expectations and the reality of the resource capacity available. This increasing burden is impacting on the team's ability to carry out the core safety aspects of its role, ensuring the council's duties are discharged properly to a defensible level.

The Health and Safety Executive (HSE) states that there is an average of 6 deaths a year from falling trees or branches and 50% of these occur in public spaces. This is a lower level of risk than some other areas, such as traffic incidents, therefore the risk is deemed "broadly acceptable". However, in relation to risk from trees, the HSE is clear that:

"There is a duty to do all that is reasonably practicable to ensure that people are not exposed to risk to their health and safety."

In terms of trees this must include a cycle of inspections to identify, and respond to any obvious hazards, disease, or significant defects that develop.

Should an incident occur causing death, injury or property damage resulting from the Council's failure to meet the duties placed on it, including failure to undertake the necessary cycle of tree inspections. The council would be open to:

- Legal action, prosecution under the Health and Safety at Work Act and Corporate manslaughter.
- Associated financial penalties, fines, and compensation. As an example, nationally the most recent Local Authority tree involved case, resulted in that Authority being prosecuted by the HSE and ordered to pay a fine of £300,000
- Reputational damage, including interest from the national press.

In 2020 the council adopted a Tree Policy, a Tree Risk Framework, and a Tree Management Guidance document. Which, as a suite of documents, sets out the council's proposed method of managing its trees to discharge its duties, including a cycle of safety inspections.

This document suite now requires reviewing, updating and strengthening to bring it in line with current best practice, to help focus service delivery, to help close gaps that have become apparent in our inspection coverage and to allow more effective utilisation of existing resources.

To begin to address the above, officers have been working on a new emerging draft document suite, a copy of which is included in the supporting papers. As a redevelopment of the existing adopted documents, this new draft will set out the council's position on the management of its trees. With the following wider objectives:

- Give greater control over service delivery
- Allow efficient use of resources.
- Provide a stronger defensible position

The review and realignment of the policy documents will also provide a key messaging opportunity to aid the management of expectations and allow clear information for customers to be signposted to.

In general, the emerging draft document is made up of the following key sections:

- Revised policy statements, to provide a scaffold for the wider document and a foundation for the council's management principles.
- A revised and updated risk framework, aligned with current industry best practise, taking account of recent case law and legislation. Setting a system of inspections and operational methods that meet the legal requirement, but which utilise current resources more effectively. To provide a robust defensible position.
- Management standards setting the council's position on the maintenance and management of its trees. The situations where the council will undertake work and those areas where it can not carry out works.
- Service standards setting out priorities, response time for enquiries received and timeframes for works to be completed in different situations. Along with setting proformas to be used for submitting enquiries, to ensure that they can be processed and priorities effectively and efficiency.

Once the emerging draft has been finalised, on completion of the review process. Officers intended to start the process of progressing the document suite through to cabinet, with a view to it being adoption later in the year.

3. Implications for the Council

3.1 Working with People

XXX

3.2 Working with Partners

XXX

3.3 Place Based Working

XXX

3.4 Climate Change and Air Quality

XXX

3.5 Improving outcomes for children

XXX

3.6 Financial Implications for the people living or working in Kirklees

XXX

3.7 Other (eg Integrated Impact Assessment (IIA)/Legal/Financial or Human Resources) Consultees and their opinions

As well as considering other implications, you should add in here a paragraph making appropriate reference to the IIA.

4. Consultation

XXX

5. Engagement

XXX

6. Next steps and timelines

XXX

7. Officer recommendations and reasons

That the Panel note the ongoing tree policy review and provide comments, as required, to aid the review process prior of finalising the documents

8. Cabinet Portfolio Holder's recommendations

XXX

9. Contact officer

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10. Background Papers and History of Decisions

XXX

11. Service Director responsible

Name and job title