



Notice of a public meeting of

Learning & Culture Policy and Scrutiny Committee (Pre Decision Calling In)

To: Councillors Craghill (Chair), Fenton (Vice-Chair),
S Barnes, Brooks, Dew, Jackson and Wells
Dr Dickinson (Co-opted Statutory Member) and
Mr Hagon (Co-opted Statutory Member)

Date: Wednesday, 15 June 2016

Time: 5.30 pm

Venue: The Thornton Room - Ground Floor, West Offices (G039)

AGENDA

1. **Declarations of Interest**

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of the business on the agenda.

2. **Public Participation**

It is at this point in the meeting that members of the public who have registered to speak can do so. The deadline for registering is **5.00pm on Tuesday 14 June 2016**. Members of the public can speak on agenda items or matters within the remit of the committee.

To register to speak please contact the Democracy Officers for the meeting, on the details at the foot of the agenda.

Filming, Recording or Webcasting Meetings

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The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at https://www.york.gov.uk/downloads/file/6453/protocol_for_webcasting_filming_and_recording_council_meetingspdf

3. Pre-Decision Called-In Item - Arboricultural Policy for the Management of Public Trees & Woodland (Pages 1 - 16)

This report provides background to the pre-decision call-in of the Arboricultural Policy for the Management of Public Trees and Woodland, setting out the reasons for the call-in and inviting the Committee to consider what feedback, if any, it may wish to make.

4. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officers:

Name: Louise Cook/Catherine Clarke (job-share)

Contact Details:

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(When emailing please send to both email addresses)

For more information about any of the following please contact the Democratic Services Officers responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

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Learning & Culture Policy & Scrutiny Committee**15 June 2016**

Report of the Assistant Director Governance & ICT

Pre-Decision Called-In Item – Arboricultural Policy for the Management of Public Trees & Woodland**Summary**

1. This report provides background to the pre-decision call-in of the Arboricultural Policy for the Management of Public Trees and Woodland, setting out the reasons for the call-in and inviting the Committee to consider what feedback, if any, it may wish to make.
2. It also sets out the role of and options available to this Committee, under the agreed pre-decision call-in arrangements.

Pre-Decision Call-in Arrangements

3. At its meeting in August 2015, the Executive agreed some operational guidelines for enabling and supporting a pre-decision call-in process. This supplements the pre-existing arrangements for post-decision call in and is intended to provide all backbench and scrutiny Members with opportunities to comment upon relevant upcoming Executive or Executive Member decisions.
4. In accordance with the arrangements for pre-decision scrutiny call-in, three Members (Councillors Craghill, D'Agorne & Kramm) have called in the intended decision in relation to the Arboricultural Policy for the Management of Public Trees & Woodland, for the following reason:

We do not have an issue with the proposal to formalise policy in relation to the day-to-day management of trees on land owned or managed by the local authority or its partner agencies such as Museums Trust and schools. However we believe this has to be underpinned by and related to an overall Tree and Green Infrastructure Strategy that supports One Planet York, Treemendous, and the Biodiversity Action Plan. This would set a clear framework for longer term planning to maintain species and age profile diversity in the context of the emerging Local Plan and taking account of climate change, on both public and private land across the city.

Consultation

5. In accordance with the requirements of the Constitution, the calling-in Members have been invited to attend and/or speak at the Call-In meeting, as appropriate, together with the appropriate Executive Member and officers.

Analysis

6. Members need to consider the reasons for call-in and any comments made at the meeting by speakers, as well as have regard to the information in the officer's report to the Executive Member on this matter, attached at Appendix 1 to this report.

Options

7. The following options are available to this Committee in relation to dealing with this pre decision call-in, in accordance with the new agreed arrangements:
 - Agree comments or recommendations for submission to the Executive Member, to take into account when making his decision; or
 - Decide not to make any specific comments/recommendations to the Executive Member on the issue in hand

Council Plan

8. There are no direct implications for this call-in in relation to the delivery of the Council Plan and its priorities for 2015-19.

Implications

9. There are no known Financial, HR, Legal, Property, Equalities, or Crime and Disorder implications in terms of dealing with the specific matter before Members; namely, to consider and handle the pre decision call-in. However, if it became clear to the Committee from information received that there were implications associated with any comments/recommendations it wished to make then it would be appropriate for the Committee to also recommend that any such implications be looked into, prior to the Executive Member making a decision which might be affected by those implications.

Risk Management

10. There are no direct risks associated with considering the call in of this matter. However, the Committee would be advised to invite the Executive Member to take account of any risks associated with any comments/recommendations which the Committee may wish to make on this matter, prior to implementing any decision.

Recommendations

11. Members are asked to:

- (i) Consider the reasons for calling in this matter prior to decision, together with all submissions made and decide whether they wish to make any specific comments/recommendations for consideration by the Executive Member; and
- (ii) Invite the Executive Member to make his decision at a future Executive Member Decision Session in light of (i) above.

Reason: To enable the called-in matter to be dealt with efficiently and in accordance with the new pre-decision call in arrangements.

Contact Details

Author:

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Chief Officer Responsible for the report:

Andrew Docherty
AD Governance & ICT

Report Approved Date 6 June 2016

Wards Affected:

All



Annexes:

Appendix 1 – Report to Executive Member on the Arboricultural Policy for the Management of Public Trees and Woodland

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Decision Session – Executive Member for Culture, Leisure and Tourism 24 June 2016

Report of the Assistant Director (Communities, Culture & Public Realm)

Review of Arboricultural Management of Council Trees

Summary

1. This report sets out a proposed policy for the management of the Council's own "public" tree stock. Much of the information contained within the policy has previously been published on the Council's website but it has never been brought together into one report before for Member consideration and approval.

Recommendations

2. The Executive Member is asked to agree the attached policy for the management of the Council's public trees.

Reasons:

- To ensure that the Council's duty of care toward tree management and protection remains consistent and transparent and that resources are used to the best effect
- To give a better understanding of tree management practices in York
- To protect valuable trees from unnecessary damage, inappropriate work or removal

Background

3. The Council has responsibility for an estimated 30,000 public trees within the city. We manage trees adjacent to the highway, in housing estates and open spaces, including parks, gardens, amenity spaces, sports grounds, nature reserves, closed churchyards and woodlands. We also assist schools in the management of their trees.
4. Responsibility for the management of the Council's trees sits with the Arboricultural Manager who is based in the Public Realm Service.

5. A healthy and sustainable tree population plays a major role in creating an attractive and vibrant landscape where people want to live. In addition, trees provide a range of social, economic and environmental benefits including:
 - a) Combating climate change by absorbing carbon dioxide from the atmosphere
 - b) Mitigating the effects of climate change by reducing floodwater run off through interception and absorption and providing shade
 - c) Offsetting air pollution by removing particulate matter
 - d) Providing a habitat for wildlife
 - e) Contributing to a quality of environment that promotes physical, social and psychological wellbeing
6. In financial terms Council owned trees have an estimated replacement value £200 million based on the Capital Asset Values for Amenity Trees (CAVAT) methodology. York's highway or street trees are valued at approximately £89 million alone.
7. The public can currently look up basic information on the Council website on those Council trees which have been mapped; this includes location, species and "owning" service department. In addition, there is information on private trees with Tree Preservation Orders. Following the adoption of the policy these pages will be refreshed to give a clearer path to the information available.
8. Trees are not always valued by all residents. For example, there is a perception amongst a minority of residents that trees can be dangerous just because they are large. Requests for work and complaints are received daily; the adoption and publication of the proposed policy will help to explain and defend the authority's position.
9. Day to day care of trees is only one aspect of the authority's work. Officers in the Design and Conservation service advise on trees in relation to the planning process, including privately owned trees through some 515 Tree Preservation Orders and 30 conservation areas. Officers also support the work of:
 - a) *Treemendous* and other communities groups to develop new planting schemes.
 - b) York Tree Warden volunteers who act as the eyes and ears for the community and carry out limited tree maintenance, tree planting and educational activities at summer events and fairs.

10. The management of trees also needs to be seen within a national, regional and local context. At a national level central government, through Trees in Towns II (2008), requested that local authorities adopt tree policies and strategies that link with their council plan. At the regional level, York signed up to the Yorkshire and Humberside regional forestry strategy in 2006 which highlighted the region's low tree density and stressed the health benefits of promoting a tree-rich local environment.
11. As part of the Local Plan preparations the value of trees to the local environment will be addressed in a variety of policies and strategies which underpin the Local Plan. Public Realm officers will be supporting the Local Plan team in this work which is expected to be available in the autumn.

Proposed Policy

12. Under health and safety legislation the Council has a duty to keep its trees as safe as reasonably possible. This is established by:
 - a) Having a recognised risk assessment process
 - b) Having a suitable recording system
 - c) Taking appropriate management action to address safety issues
13. The proposed policy is provided as Annex 1. Key sections to highlight are:
 - Policy Statement 3: Risk Management - this policy provides details on the frequency and methodology used to meet the statutory obligations
 - Policy Statement 4: Recording - this policy provides details with regard to what information is recorded and on what system
 - Policy Statement 5: Tree removal and pruning - this policy sets out the arboricultural reasons for undertaking work to a tree
 - Policy Statement 6: Pruning - this policy sets out the circumstances in which no work to a tree will be carried out
 - Policy Statements 10 to 12: Work near public trees - these policies reaffirm the national and local standards for work by staff and contractors in close proximity to public trees
 - Policy Statement 14: Tree Replacement – this policy sets out the Council's approach to replacing trees which have had to be removed.

- Policy Statement 15: Community involvement – this policy confirms the Council’s commitment to working with both voluntary groups and individual volunteers in caring for the city’s tree stock.

Options and Analysis

14. For the reason set out in preceding paragraphs careful management is required if the Council’s tree stock is to be maintained in a safe and sustained manner for future generations. The principal option open to the Executive Member is to comment on and amend the policy statements within the Annex. If the Council does not agree a policy it will weaken the Council’s position in dealing with unjustified requests for work and its health and safety obligations including defending potential insurance claims.
15. Subject to agreement the policy will be made available on the Council’s website.

Council Plan

16. The Arboricultural management policy contributes to the following Council Plan priorities:
 - Delivering frontline services for residents is the priority
 - Residents are encouraged and supported to live healthily
 - Focus on the delivery of frontline services for residents and the protection of community facilities.
 - Focus on cost and efficiency to make the right decisions in a challenging financial environment.

Implications

17. **Financial:** The management of the tree stock is funded through existing service budgets.
18. There are no Equalities, Crime and Disorder, Human Resources, Legal, Information Technology, Property or Other implications arising from this report.

Risk Management

19. In compliance with the Council’s risk management strategy the main risks that have been identified associated with the areas of work covered by the policy proposed in this report are those which relate to governance, i.e. stewardship of the Council’s tree assets, and legal and regulatory, i.e. relating to health and safety. Measured in

terms of impact and likelihood, the risk score has been assessed at 10 which equates to “Low”. This is acceptable but means that regular monitoring is required of the operation of the new arrangements.

Contact Details

Author:	Chief Officer responsible:		
Dave Meigh Operations Manager – Public Realm	Charlie Croft Assistant Director (Communities, Culture and the Public Realm)		
Harvey Lowson Arboricultural Manager	Report Approved	✓	Date 6.6.16.
Specialist Implications Officers:			
Wards Affected:			All ✓
For further information please contact the author of the report			

Annexes

Annex 1: Arboricultural Policy for the management of City of York Council trees.

Abbreviations in the report or annex

CAVAT - Capital Asset Values for Amenity Trees

CYC – City of York Council

NJUG – National Joint Utilities Group

QTRA - Quantified Tree Risk Assessment

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Annex 1

Arboricultural Policy for the Management of the City of York Council's Public Trees

This document contains information on tree risk management, tree protection, tree replacement, tree maintenance and tree related insurance claims.

The following policy statements constitute the City of York's Arboricultural Policy for public trees and aims to give clear statements to aid the Council in meeting its duty of care, legal and health and safety obligations whilst not exposing itself to any undue liability.

Overall Policy

Policy Statement 1

The Council will sustain, protect and manage its public trees responsibly to ensure that it meets its statutory responsibilities without posing unreasonable risk to people or property.

Policy Statement 2

The Council will protect York's public trees from damage and unjustified removal with the aid of arboricultural protection guidelines and relevant legislation including The Town and Country Planning Act. The Council will enforce protection and seek to prosecute where tree protection related contraventions have occurred.

Risk Management

Policy Statement 3

The Council will carry out Public Tree Risk Assessments under the Management of Health and Safety Regulations 1999 including the inspection of trees in or near public places to assess whether they represent a foreseeable risk to persons or property, and to take remedial action as appropriate.

The Council currently uses the Quantified Tree Risk Assessment (QTRA) method to assess tree risks. QTRA quantifies the risk of significant harm from tree failure in a way that balances safety with tree values. QTRA also helps determine lower risk sites may not require detailed tree inspections. For such sites, the city is divided into areas and inspections carried out on a 4 yearly rotation.

Policy Statement 4

The Council will maintain a computer based tree management and mapping system which that records position, species, and maintenance and inspection history. The current system is provided by Ezytree. York's public tree survey is an ongoing process as new trees are planted and other removed. Information such as location, species and service department of public trees will be made available via the Council's web site.

Tree removal and pruning

Policy Statement 5

The Council will only prune or remove trees for sound arboricultural reasons such as:

- Being identified by risk assessment as dangerous and in need of safety related work.
- Proven or likely to be cause damage which is not resolvable.
- Considered by the Arboricultural Manager to be inappropriate species for the location

Or:

- When removal is required as part of an agreed management or thinning programme with mitigation such as replacement agreements.

Policy Statement 6

The Council will not prune, cut roots or remove trees for the following reasons:

- Encroachment into or over a neighbouring property (since the property owner already has a common law right to prune back to their boundary)
- To prevent roots entering private drains that are already broken or damaged
- To increase natural light or change the view into or out of a private property
- To reduce or remove the perceived nuisance issues caused by birds, insects, falling debris, leaves, blossom and fruit, or pollen
- To make way for new highway cross-overs (drives) or front garden parking

- To address interference with solar collection, satellite dishes, TV reception or telephone cables
- A tree being perceived to be too large or tall
- A perceived risk that a tree could cause damage in the future
- Disturbance to pavements, kerbs, garden paths and walls. (In these cases engineering solutions will be sought in the first instance ensuring that the tree can be maintained)
- Neighbour disputes due to perceived nuisance from a tree

Policy Statement 7

The Council's arboricultural staff and contractors' tree work will comply with the "British Standards for Tree Work 3998 2010" except where safety considerations may overrule them. When undertaking any maintenance works near to trees all internal and external contractors and operatives must adhere to the national tree protection guidelines as set out in this document.

Policy Statement 8

Where possible advance notice will be given regarding important trees identified for removal. This will normally be an explanatory notice posted on the tree or near its location.

Trees within the Council's housing land

Policy Statement 9

Communal shared gardens

The Council will manage communal garden trees in accordance with the standard criteria set out in Policy Statements 5 to 8.

Non-communal tenant gardens

Tenants are responsible for maintaining trees within their gardens in accordance with the tenancy agreement. Tenants must not themselves, or arrange for anyone else, to damage, heavily prune or cut down trees and hedges within the boundaries of the property without first getting the approval of their estate manager. The estate manager will seek advice from the Arboricultural Manager before granting permission for such works.

If a Tenant or an estate manager thinks a tree may be dangerous, the Arboricultural Manager will inspect the tree. If the tree is judged to be nuisance or dangerous it will be removed or made safe. The

Arboricultural Manager can also offer advice on suitable trees species for gardens. Trees that are very large, fast growing or conifer species will not recommended.

Protection for trees from adjacent works

Policy Statement 10

When undertaking any works near to trees all internal and external contractors and operatives must adhere to the national and local tree protection guidelines as set out in this document.

Policy Statement 11

The Council will ensure that all non Arboricultural work taking place near trees must be in accordance with national tree protection guidelines. Utility work must be in accordance NJUG Vol 4 Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees: <http://www.njug.org.uk/publications/>

Highway and development site work must be in accordance with "British Standard 5837 2012 Trees in relation to design, demolition and construction":

<http://shop.bsigroup.com/en/ProductDetail/?pid=000000000030213642>

Highway tree protection information can be found in the CYC Highway Design Guide:

http://www.york.gov.uk/info/200274/road_building/409/road_building/2

All agents, partners and contractors of the Council will be required to comply with these policy statements.

Policy Statement 12

The Council will seek compensation from anyone responsible for damage to or removal of any public tree to the tree's monetary value. This value will be calculated using the recognised valuation system called Capital Asset Value for Amenity Trees, [CAVAT](#). CAVAT provides a method for managing trees as public assets rather than liabilities.

Claims against the Council

Policy Statement 13

All tree related insurance claims made will be processed by our insurance section. No trees shall be removed or pruned for alleged or potential damage claims until documentary evidence has been presented for investigation by the Council's insurers. Action will be taken to resolve justified claims and retain any trees if deemed possible.

Tree replacement

Policy Statement 14

The Council will seek to replace trees lost. Species will be based on site specific conditions and available space. It is not always possible or desirable to plant like for like replacement species in the same location. The Council will seek to establish a diversity of species to mitigate against pests and disease that can threaten a single species. Where development results in tree removal; mitigation planting will be requested.

Community Involvement

Policy Statement 15

The Council will encourage and support volunteers and community groups to care for existing trees and plant new trees. Support will be given through officer time and will include training and support for funding bids. Members of the public may request new trees outside their property. Such requests will be generally supported, subject to necessary safety checks.

Funding of tree work by third parties

Policy Statement 16

It is not possible for City of York Council to fund all requests for tree work. In some cases those requesting work to public trees may wish to fund the work using their own appointed contractor. Work can be carried out by agreeing an approved arboricultural BS 3998 specification with the contractor and Arboricultural Manager.

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