

**Report of Director of Environment and Housing**

**Report to Director of Environment and Housing**

**Date: 12<sup>th</sup> March 2014**

**Subject: Non-urgent Tree Works**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

**Summary of main issues**

1. The Forestry section has adopted an inspection and risk assessment approach based on allocating a category to each tree assessed which defines the timescale that work needs to be carried out. The current budget for tree works is only sufficient to deal with urgent tree works and other work that needs to be carried out in a specific timeframe.
2. Non-urgent tree works are classified as non-hazardous and include issues referred often by housing tenants for such as shade, leaf fall, and loss of TV reception/satellite signal. The value of outstanding non-urgent tree work is significant at nearly £2 million, of which £1.1 million is Housing Leeds, mostly relating to trees in tenant gardens. Given the level of budget, the prospect of addressing any issues with regard to these trees is therefore very limited.
3. In some cases non-urgent tree issues can be perceived to pose a risk to the health and wellbeing and quality of life of the person concerned. For this reason, housing tenants can therefore be persistent in their desire for the issue to be addressed and often involve local ward members who in turn seek a resolution on behalf of their constituent.
4. It is therefore proposed that an additional £160k is set aside from the housing revenue account specifically to address member concerns that are raised with non-urgent trees. This would enable a dedicated team of 4 to be established with supporting machinery, equipment and transport.

## **Recommendations**

5. It is recommended that The Director of Environment and Housing agree the following:

- To allocate £160k from the housing revenue account to address tree issues affecting health, wellbeing and quality of life.
- To adopt the approach set out in paragraphs 3.8 and 3.9 as the basis of allocating spend against this allocation.

## 1 Purpose of this report

- 1.1 This report outlines the approach to tree risk management in Parks and Countryside and a proposal to allocate £160k from the Housing Revenue Account to address non-urgent works that nevertheless impact on the health and wellbeing of Council tenants.

## 2 Background information

- 2.1 The Forestry section is part of the Parks and Countryside service. It provides professional tree services which can be summarised as follows:

- **Inspection and risk assessment:** using a tree hazard assessment system that identifies hazards and prioritises work within prescribed timescales according to a 5-scale category assignment.
- **Tree operations:** for trees on the highway around Housing Leeds properties including tenant gardens, in addition to works carried out in parks and woodland.
- **Emergency tree works:** the provision of a 24/7 standby and call out service usually as a result of adverse weather requiring urgent response.

- 2.2 It is important that the Council has a robust hazard management system to ensure the health and wellbeing of the public as well as to meet statutory obligations. The Forestry section has adopted an inspection and risk assessment approach based on allocating a category to each tree assessed which defines the timescale that work needs to be carried out. This in turn enables priorities to be determined in allocating resources to address issues identified via inspection. Each category is summarised in the following table:

Category	Designation	Description
1	Emergency	Work to be completed within 24 hours
2	Urgent	Work to be completed within 7 working days
3a	Developing Hazard	Not safe to leave for longer than 3 months – completion date given by Inspector
3b	Developing Hazard	Not safe to leave for longer than 12 months – assign calendar quarter completion date e.g. Winter 2012
4	Non Hazardous	No hazard identified following inspection. Review periodically to determine if any hazards have developed since the previous inspection.

### 3 Main issues

3.1 The inspection and risk assessment function is an activity undertaken by trained tree specialists within the Forestry section. The Forestry section is also responsible for managing budgets in relation to tree operations, including an allocation delegated directly from the housing revenue account for tree works on Housing Leeds land and tenant gardens. The current approach is to prioritise available budgets to address the greatest risk; hence category 1 emergency work will be conducted within 24 hours, and category 2 within 7 working days. Category 3a and 3b works are also time critical with work carried out according to the prescribed timescale.

3.2 It should be noted that the budget for tree works (as set out in the table below) is only sufficient to deal with category 1, 2 and 3 work.

<b>Category</b>	<b>Budget 2013/14 £'000</b>
Delegated from the housing revenue account	350
Vired from highways from April 2013	205
Internal parks and countryside	198
Internal Council clients e.g. schools, Social Services etc	164
External clients e.g. Network Rail, Southern Electric	80
<b>Total</b>	<b>997</b>

3.3 Category 4 trees are classified as non-hazardous and include issues referred often by housing tenants for such as shade, leaf fall, loss of TV reception/satellite signal and growths appearing from the root system of trees. To put the application of the risk management approach into context, the following table highlights the value of outstanding work for each non-urgent category:

<b>Category</b>	<b>Number of jobs</b>	<b>Value of work £'000</b>
3a – developing hazard within 3 months	240	156
3b – developing hazard within 12 months	339	138
4 – historic non-urgent tree issues	1,982	1,264
4 – non hazardous	1,385	729
<b>Total</b>	<b>3,946</b>	<b>2,287</b>

3.4 As indicated, the level of budget is only sufficient to deal with urgent issues and developing hazards, therefore category 4 works can only be considered as an exception. The value of outstanding category 4 work is significant at nearly £2 million, of which £1.1 million is Housing Leeds, mostly relating to trees in tenant gardens. Given the level of budget, the prospect of addressing any issues with regard to category 4 is therefore very limited.

3.5 As indicated, category 4 trees are not usually considered a priority as they are not hazardous from a tree safety perspective, however in some cases they can be perceived to pose a risk to the health and wellbeing and quality of life of the person concerned. For this reason, housing tenants can therefore be persistent in

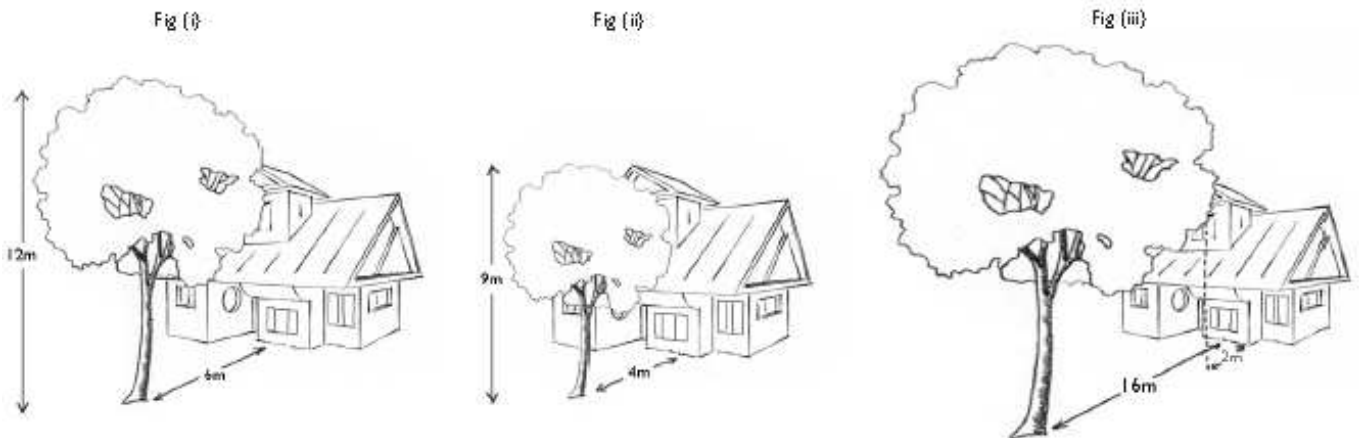
their desire for the issue to be addressed and often involve local ward members who in turn seek a resolution on behalf of their constituent.

3.6 It is therefore proposed that in order to address some of these issues that an additional £160k is set aside from the housing revenue account specifically to address member concerns that are raised with category 4 trees. This would enable a dedicated team of 4 to be established with supporting machinery, equipment and transport. It would also enable an allocation towards the cost of replanting trees on a 1 for 1 basis if an existing tree was subject to felling.

3.7 Whilst enabling a difference to be made, this would still represent a limited fund which could potentially be spent quite quickly. It is therefore further proposed that in order to determine priorities, that requests would be assessed based on the following sub-categories which reflect the order that such work would be considered.

### 3.8 **4A - Trees affecting health and well being**

3.8.1 **Daylight loss** – please refer to the following pictorial guide illustrated below. This applies where the distance between a tree and window of the nearest habitable room is less than 6m for trees over 12m high (fig (i)), or less than half the height of the tree for smaller trees (Fig (ii)), or where the separation of the edge of the canopy and the vertical line through the window is less than 2m (Fig (iii)). 'habitable room' in this context means a dining room, lounge, kitchen, study or bedroom, and excludes toilets, bathrooms, utility rooms, landings and hallways.



3.8.2 Each case will be prioritised according to proximity and account will also be taken of the orientation of the affected window. Decisions will also be subject to consultation with other residents and may need to be reviewed in the light of feedback received.

3.8.3 **Void Properties** – where trees in the gardens of void properties are overgrown and will potentially result in daylight loss, an appropriate level of tree work should be undertaken to bring the grounds up to a standard that makes them suitable for re-letting.

### **3.9 4B - Trees affecting Quality of Life**

3.9.1 **TV/satellite signal** - there is no legal right to a TV reception or satellite signal, and service providers can often find an alternative engineering solution where trees could be causing poor reception/signal. The Council will only consider pruning a tree to improve reception/signal where the following applies:

- Efforts have been made to provide an engineering solution, but have proved unsuccessful.
- Work required is in line with best arboricultural practice (BS3998) and does not affect the health of the tree.
- Work can be undertaken within current financial constraints.

3.9.2 In all cases where a healthy tree has to be felled and removed, replacement planting will take place, on a 1 for 1 basis, on the most appropriate site close by and using appropriate tree species.

3.9.3 Any other requests for non-hazardous issues would not be considered, although in the interests of more active citizen engagement tenants could be encouraged to take more responsibility for basic tree management as well as their existing responsibilities for garden maintenance.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

4.1.1 The Executive Member for Environment and Parks has been consulted on these proposals. As indicated in the body of the report, there are nearly 3,500 category 4 – non urgent jobs that have been referred through to the Forestry section via the public or elected members. This represents a work value of nearly £2 million and it is anticipated that this will continue to rise. It is clear that there are examples where this is affecting the health and wellbeing of residents, and this is reflected in the action sought to seek a resolution. Where the removal or other significant work on trees could affect other residents, then consultation will be undertaken before any work commences.

### **4.2 Equality and Diversity / Cohesion and Integration**

4.2.1 An equality, diversity, cohesion and integration screening has been undertaken and a full assessment is not relevant to the proposals set out in this report.

### **4.3 Council policies and City Priorities**

4.3.1 The content of this report relates to the following priorities from the City Priority Plan:

- Best city for health and wellbeing
- Best city to live, in particular *enable growth of the city whilst protecting the distinctive green character of the city.*

4.3.2 It also supports the outcome in the Council Business Plan to *improve the quality of life for our residents, particularly for those who are vulnerable or in poverty.*

#### 4.4 Resources and value for money

4.4.1 The budget for tree works is as set out below, and is only sufficient to deal with more urgent category 1, 2 and 3 work.

Category	Budget 2013/14 £'000
Delegated from the housing revenue account	350
Vired from highways from April 2013	205
Internal parks and countryside	198
Internal Council clients e.g. schools, Social Services etc	164
External clients e.g. Network Rail, Southern Electric	80
<b>Total</b>	<b>997</b>

4.4.2 The following table highlights the value of outstanding work for each non-urgent category.

Category	Number of jobs	Value of work £'000
3a – developing hazard within 3 months	240	156
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<b>Total</b>	<b>3,946</b>	<b>2,287</b>

4.4.3 The value of category 4 work is significant at nearly £2 million, of which £1.1 million is Housing Leeds, mostly relating to trees in tenant gardens. Given the level of budget, the prospect of addressing any issues with regard to category 4 is therefore very limited. It is therefore proposed that in order to address some of these issues that an additional £160k is set aside from the housing revenue account specifically to address member concerns that are raised with category 4 trees.

#### 4.5 Legal Implications, Access to Information and Call In

4.5.1 The allocation from the housing revenue account will be used to address tree issues raised by tenants on relevant housing land. There are no issues with regard to access to information. This report is not subject to call in.

#### 4.6 Risk Management

4.6.1 There are no significant risks associated with this report.

## **5 Recommendations**

5.1 It is recommended that The Director of Environment and Housing agree the following:

- To allocate £160k from the housing revenue account to address tree issues affecting health, wellbeing and quality of life.
- To adopt the approach set out in paragraphs 3.8 and 3.9 as the basis of allocating spend against this allocation.

## **6 Background documents<sup>1</sup>**

6.1 None.

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<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.