

Crime and Disorder Select Committee

A meeting of Crime and Disorder Select Committee was held on Thursday, 29th September, 2022.

Present: Cllr Pauline Beall (Chair), Cllr Paul Weston (Vice-Chair), Cllr Kevin Faulks, Cllr Clare Gamble, Cllr Barbara Inman, Cllr Steve Matthews, Cllr Stephen Richardson, Cllr Mrs Sylvia Walmsley and Cllr Alan Watson.

Officers: Joanne Roberts, Dale Rowbotham, Mark Nozedar (CS,E&C); Gary Woods (CS).

Also in attendance: None.

Apologies: None.

CD 17/22 Evacuation Procedure

The evacuation procedure was noted.

CD 18/22 Declarations of Interest

There were no interests declared.

CD 19/22 Minutes

Consideration was given to the minutes of the Crime and Disorder Select Committee meeting which was held on the 21st July 2022 for approval and signature.

AGREED that the minutes of the Committee meeting held on the 21st July 2022 be approved as a correct record and signed by the Chair.

CD 20/22 Monitoring the Impact of Previously Agreed Recommendations

Consideration was given to the assessments of progress on the implementation of the recommendations from the Councillor Call for Action (CCfA) investigation on Obstructive and Illegal Parking around Whitehouse Primary School. This was the fourth progress update following the Committee's agreement of the Action Plan in November 2020 and developments regarding the one outstanding element were noted as follows:

- Recommendation 9 (The Council conduct further research with the Department for Transport around the 'School Streets' concept): Further monitoring of this concept had been undertaken and additional monitoring was recommended. Awaiting the outcome of potential additional powers consultation for Mayoral Combined Authorities. Cabinet Member for Environment and Transport briefed on progress.

As per the previous update in March 2022, a 'School Streets Update' briefing note was again included within the meeting papers in order to provide further background context in relation to this concept. After an overview of similar schemes undertaken within the North East and further afield, several conclusions were made:

- Any 'School Street' requires the collaboration of several parties, including

school staff, parents, and residents.

- Most of the existing 'School Street' schemes are in London and are camera-enforced.
- Local Authorities outside London enforce the 'School Street' scheme either with a physical closure or through enforcement by the police.
- Police-enforced schemes are unlikely to provide the same sense of personal safety than schemes that provide a physical barrier. Since the presence of the police at the 'School Street' closure is likely to be the exception rather than the rule, this may lead to non-compliance.
- Barrier-controlled enforcement of 'School Street' schemes are very resource-intensive for the school – they must erect the closure and manage any exempt vehicles through the site. Lack of staff on any day could lead to an increase in the risk to road-users due to pedestrians and vehicles occupying the same space.
- Recent changes to legislation allow Local Authorities outside London to apply for powers to enforce 'moving traffic offences', which would allow 'School Streets' to be camera-enforced. However, currently, Stockton is not proposing to apply for these powers.

In related matters, it was noted that Whitehouse Primary School now had a new Headteacher in place, and the SBC Transport Strategy and Road Safety Manager was attempting to brief her on the history and current situation regarding parking concerns within the vicinity of the school (Members encouraged the involvement of the school's Chair of Governors in order to facilitate an initial meeting). In addition, a number of the Borough's other schools had now expressed interest in the 'little people bollards' which Whitehouse had used to deter irresponsible parking.

Reflecting upon the availability of new 'moving traffic offences' powers, the Committee queried the lead-in time that the Council would need before such powers became live. It was stated that this was difficult to know as, should SBC wish to pursue this approach, it would need to go through a statutory process for implementing a Traffic Regulation Order (TRO), something which can take months. Assurance was given that if a school was identified, a full communications plan would be prepared.

Members asked if it was likely that SBC would apply for these new powers as it was clear that parking around schools continued to be a significant concern. The Committee was reminded that a number of existing measures were already in place to encourage responsible parking, and that clarity would be sought on who would ultimately decide on applying / not applying for the 'moving traffic offences' option.

With reference to the options outlined within the accompanying briefing note, the Committee questioned why option 2 was deemed a higher risk as there were already numerous examples where signage was used to deter certain driving behaviours and had proved effective.

In light of the content of this latest progress update, the Committee Chair proposed that this outstanding action be closed down as 'fully achieved' (it was noted that the corresponding recommendation asked for the Council to conduct further research of the 'School Streets' concept which, it could be argued, had indeed been undertaken). Whilst this was subsequently agreed, it was also

suggested (and agreed) that the Cabinet Member for Environment and Transport be written to in order to express the Committee's disappointment for the lack of progress in reaching a decision on this approach, as well as asking for clarity on future plans for addressing school parking issues across the Borough. It was also requested that, moving forward, the Committee be made aware of any significant developments in relation to this Councillor Call for Action (CCfA) topic.

AGREED that:

- 1) the progress update be noted, the 'assessment for progress' grading for the one outstanding action be amended to 'fully achieved', and the Action Plan be signed-off as complete (no further updates required).
- 2) the SBC Cabinet Member for Environment and Transport be written to in order to express the Committee's disappointment for the lack of progress in reaching a decision on the 'School Streets' approach, as well as asking for clarity on future plans for addressing school parking issues across the Borough.

CD 21/22 Scrutiny Review of Tree Asset Management

The first evidence-gathering session for the Committee's review of Tree Asset Management involved the presentation of a report by representatives of Stockton-on-Tees Borough Council (SBC) Community Services, Environment and Culture. Led by the directorate's relevant Service Manager and supported by the SBC Principal Tree and Woodlands Officer, the following key elements were highlighted:

- **Introduction:** SBC is responsible for managing tens of thousands of trees within the Borough's towns, highways, parks, cemeteries, open spaces and 400 hectares of woodland. The quality of the environment is greatly enhanced by trees and woodlands – they make a positive contribution to health and wellbeing, play a vital role in the sustainability of local towns, and provide a variety of functions and benefits that improve quality of life. Although the importance of trees is widely recognised, they can also become a source of conflict in some situations (e.g. as trees mature, they require more space above and below ground which can occasionally result in causing nuisances to people).
- **Service Structure:** Based within the Community Services, Environment and Culture directorate, the SBC Tree Management Service is part of Horticultural Services. Tree work is undertaken by qualified arborists and the small team comprises five full-time staff: a Principal Tree and Woodlands Officer, an Arboricultural Technician, and three qualified Arborists (Tree Surgeons). The team have taken on a new apprentice (to form an operational team of four) from mid-September 2022.

The team maintain trees through careful and attentive scheduled and urgent pruning, so that each tree pruned will have a natural form and shape. They are also required to respond to a large number of service requests which stretches the resources of the team from scheduled maintenance.

- **Importance and Benefits of Trees:** Trees are amongst the most important features and assets within the landscape and form a major part of the Borough's 'green infrastructure'. Cultivated for thousands of years to provide timber, fuel, food, shelter, or simply grown for their beauty, they are quintessentially a part of the identity of the United Kingdom and a protection against the harsh elements of climate change.

They enhance the environment and provide benefits in a number of ways; introducing colour and variety into the landscape to bring scenic value and seasonal interest, improving air quality by filtering airborne dust and pollutants, absorbing traffic noise, reducing traffic speed (drivers exercise more caution when trees are nearby), reducing temperature extremes by providing shade and shelter, creating wildlife corridors and enhancing biodiversity, and improving the health and wellbeing of a population by reducing stress, mental fatigue, and facilitating an environment for outdoor activity, exercise and recreation.

- **Legal and Statutory Duties:** As a landowner, and in compliance with the Occupiers Liability Act 1957 & 1984, the Local Authority has a legal duty of care to ensure it has a defensible system of tree inspection and maintenance for its land and premises. This requires regular inspections (by a qualified person) of all trees and woodlands within its ownership, implementing essential tree maintenance (so there is no danger or unacceptable risk to persons or property), and maintaining adequate records of surveys and inspections (until recently, this was a manual record – it is now recorded electronically which officers can update on-site, thereby freeing-up more time and working more efficiently). A survey / inspection cycle of three years has been adopted, but higher frequency (once yearly) inspections are undertaken in other areas of high public use such as schools, parks, main roads and town centres.

The Local Authority is potentially liable for injury or damage caused by trees through claims of nuisance and / or negligence if it fails to comply with this legal duty of care – this may include damage or injury caused by falling trees and branches. Negligence may also be due to obstructions or where trees cause direct damage (e.g. to driveways), interference with structures, and building subsidence (legal nuisance is also broadly defined as 'any unreasonable interference with use and enjoyment of land').

The Highways Act 1980 (s.96) states that trees on or adjacent to the highway network must be maintained to ensure they do not interfere with its safe use. They are pruned to maintain adequate clearance above roads / carriageways and footpaths so as not to cause obstructions or obscure road signage, street lighting or vehicle sight lines. If trees are not maintained correctly, or specific trees are chosen for planting in that area, it can have an impact on other services within the Council, such as highway maintenance. Tree root damage can have a major impact in footpath repair requests and uneven surfaces.

Trees in Conservation Areas and trees covered by Tree Preservation Orders (TPOs) are protected in law under the Town & Country Planning Act 1990. The order makes it an offence to cut down, uproot, prune, damage or destroy the tree/s without written consent from the planning department (exemptions apply where trees are dead or imminently dangerous). The Local Authority has powers to make and serve TPOs on private land – this will normally include

protection of prominent trees where it is deemed 'expedient in the interests of amenity' (i.e. they contribute with good amenity value towards the character of a landscape). If a tree has a TPO, the tree-owners apply to the planning section prior to undertaking work on protected trees (failure to apply for work is an offence under the

Act and the owner or persons undertaking the work may be liable to conviction in a Magistrates Court, leading to prosecution / imposed fines).

- **Surveying and Maintenance Work:** The Council's aim is to inspect and maintain its pre-defined survey zones within a three-yearly timescale. However, the consistent demand for service, with only a small team of operatives, means that the team are experiencing delays on the delivery of pruning – as such, the service is now operating on a five-yearly pruning cycle for survey zones. A consequence of works being carried out over a five-year cycle rather than a three-year cycle is that the team are required to carry-out more reactive work in those areas, and this begins to have a negative effect on other work completion timescales. Tree growth typically will occur over a three-year cycle.

Following a survey, the inspector will identify 'essential' tree work and prepare a maintenance schedule which is added to the maintenance programme. Prioritisation is given to a tree which is considered potentially hazardous, dangerous, or might cause an actionable (legal) nuisance – these become high-priority work requests, and such work would be completed within a one-to-seven-day timescale (depending on severity).

Tree maintenance is undertaken all year round, except where specific restrictions apply (e.g. in respect of bird-nesting or other habitat regulations). Other operations will be undertaken in the autumn or winter months only (e.g. woodland thinning / felling operations, hedge-cutting / laying (by the grounds maintenance staff in winter hedge-cutting season), and tree planting (including individual specimen trees, memorial trees, woodlands and hedgerows)).

SBC also provide professional advice and consultancy services on all aspects of tree management to the public and other Council departments (e.g. legal advice, assessment of tree-related insurance claims, planning applications, guidance on tree protection, building works near trees, landscape design, and provision of reports / surveys).

- **Costs of the Service:** Prior to 2011, SBC contracted tree works externally – however, due to a number of issues, this was then brought in-house. At present, to provide all services, the Tree Management Service (staffing only) is costing the Council around £3,500 a week. The volume of tree work that the team can undertake would equate to the maintenance of around 20 mature trees in a week – comparatively, if SBC were to employ an external contractor on a business or commercial rate, the Council would be looking at paying around £10,000 for the same level of work.

- **Pressures on the Service:** SBC adopts a priority system for dealing with enquiries as well as standard policies for dealing with the more common types of requests. Those deemed 'priority 1' will be investigated for action within 1-10 working days (as appropriate); 'priority 2' requests will be placed on the

inspection waiting list with no pre-determined response timescale (such requests concerning tree work will normally be assessed during the next scheduled survey for the area in question if this is within the same calendar year).

As well as tree surveying, in 2021, the service received 700 'priority 1' requests via the Council's customer services department, but many more were received via email / telephone or through MP and Councillor enquiries. These requests were all in addition to the surveys that were completed across 80 education sites and 40 pre-defined survey zones. As the Council receives many incoming, high-priority requests (often on a daily basis) with one available team to complete this work, delays can occur to pre-arranged working commitments. This can, at times, result in complaints regarding delays or expectations of work coming through from residents to Councillors or to SBC customer services staff.

Several other factors can affect the progress of scheduled work, including seasonal issues (e.g. bird-nesting, wet ground), storm damage / adverse weather conditions, access (e.g. lack of vehicular access may require the use of additional vehicles / equipment), traffic management (any roadside work where speeds are 40mph or higher requires an independent traffic management solution (private traffic management)), and staff absence.

- **Tree Planting:** SBC are committed to undertaking planting programmes as part of the Stockton-on-Tees Environmental Sustainability and Green Infrastructure Strategies. The Council has identified potential sites across the Borough where tree planting is likely to provide the greatest benefits or is most needed – this includes major routes / gateways, green spaces, parks, and areas where tree cover is notably deficient. Where resources permit, these areas are targeted and prioritised for new and replacement tree planting. SBC also accept requests for memorial trees to be planted, and this continues to be a popular service to residents.

SBC actively seeks funding for new trees and aims to increase tree cover within the Borough to mitigate against climate change and promote wider environmental benefits. The Council's Green Infrastructure team have successfully bid on tree planting initiatives and are also promoting carbon sequestration schemes in the SBC Environmental Sustainability & Carbon Reduction Strategy – this is bringing a further tree and woodland management programme that requires delivery (which will have future implications for the Tree Management Service in completing that work).

- **Future Pressures:** Ash dieback is quickly becoming a national issue for Local Authorities and SBC will unfortunately see tree stock impacted by this. Ash trees form around 20% of the tree population, and although the disease is obvious but not fully virulent in the Borough, it is only a matter of a few years before this becomes a serious problem that needs to be addressed. The inevitability of action to mitigate this problem cannot be avoided and will require a management plan and appropriate resources to survey and arrange work on a priority basis for high problem areas where ash trees could cause damage or harm / injury through failure. At present, there is no Government funding available to deal with ash dieback, despite this being a national problem. It was also apparent that chestnut trees were suffering from a disease, something the extreme summer heat had not helped.

Thanking the officers for their detailed report, the Committee felt it was important that the public understood the Council's resource limitations in managing its existing tree stock, a situation which had led some Members to utilise their Community Participation Budget (CPB) to secure the services of private contractors to undertake tree-related work. With the aim of establishing solutions to address the stated workload challenges within the Borough (in addition to merely bringing-in more personnel), analysis of other Local Authority approaches (including their level of resourcing) would be provided at a future meeting.

Following-up on the theme of staffing capacity, the Committee asked what a quality service would actually cost if the Council could start with a blank sheet of paper, and how additional personnel might help tackle the high service demand. Officers suggested that thoughts on this be collated and presented back to Members at a future evidence-gathering session which could factor-in established best practice.

Moving onto ongoing maintenance issues, Members highlighted some areas of the Borough where work was required (e.g. Barwick Lane) and queried where woodland zones (e.g. Bassleton Woods) sat in the list of priorities. The Committee heard that the main focus for the SBC Tree Management Service was high-use public areas (schools, roads, parks, etc.), and that whilst woodlands were inspected, work had to be prioritised.

Procedures for reporting and addressing tree-related concerns were discussed. In response to Committee queries, it was noted that residents were directed to a Council claim form following any damage to property as a result of a tree, and that for any trees on private land that may be impinging the highway, owners were approached (via letter) and a timescale was given for pruning (though the SBC Tree Management Service may deal with the situation if this was the common-sense approach).

The Committee sought clarity on the two types of priority requests outlined. 'Priority 1' examples involved essential maintenance requirements (e.g. dead / dying / dangerous trees, property damage), whilst 'priority 2' requests tended to be more seasonal issues (bird nests / leaf fall / 'garden maintenance' for property owners). That said, SBC continues to use discretion in certain circumstances and also tries to pre-empt problems through the tree surveys it routinely carries-out.

Acknowledging the additional challenges arising from last year's extensive storm damage, Members highlighted the prevalence of tree-related enquiries that form a significant part of a Ward Councillors casework. However, it was also felt that it can often be the case that an Elected Member is unable to give a resident the answer they want. To this end, officers were asked if the stated three-year inspection and maintenance cycle was adequate, or whether this should be shorter (to the public, extending this to a five-year cycle may be seen as unpalatable). In response, the Committee heard about difficulties in recruiting appropriately skilled individuals (something which neighbouring Local Authorities had also experienced), particularly since the private sector was more lucrative. Meeting existing, let alone future, service demand was not just about personnel either – it also relied on equipment and transport. Annual surveys

did already take place in those high-use public areas, and an ability for one part of the service to conduct routine maintenance whilst another part undertakes specialist work would certainly be helpful.

Reflecting on future pressures, in particular the drive for tree-planting schemes, the Committee urged careful planning before initiatives began. A balance between encouraging environmental benefits and understanding the knock-on costs to the Council was therefore essential in future-proofing the SBC Tree Management Service. Establishing the minimum requirements of the service and how much that costs to deliver would be a starting point, and it was also important to recognise that trees can be linked to other issues (e.g. anti-social behaviour) and should not be viewed in isolation.

Concluding the session, the Committee's attention was drawn to the inclusion of a potential SBC Elected Member survey within the scope for this review. Members were invited to suggest any questions that may be appropriate (it was agreed that this should not be a vehicle for individual resident issues), and a proposed survey would be circulated to the Committee for approval prior to the next meeting in November 2022. Collated responses to the Committee's survey could then be considered later in the year.

AGREED that the information be noted.

**CD
22/22** **Work Programme 2022-2023**

Consideration was given to the current Crime and Disorder Select Committee Work Programme.

The next meeting was scheduled for the 3rd November 2022 and would include the second evidence-gathering session for the Tree Asset Management review and the proposed Action Plan in relation to the recommendations from the recently completed Bonfires on Public Land review. Two initial progress updates on previously completed reviews would also be presented – Public Spaces Protections Orders (PSPOs), and Police Communications in Stockton-on-Tees (Task & Finish).

Regarding the latter, Members were reminded that the SBC Elected Member survey that was undertaken as part of that review had recently been re-issued (as per recommendation 4 within the final report) to all Councillors across the Borough. It was hoped that a summary of responses to the re-issued survey would be included with the November 2022 progress update.

AGREED that the Crime and Disorder Select Committee Work Programme 2022-2023 be noted.

**CD
23/22** **Chair's Update**

The Chair had no further updates.

