

## **CRIME AND DISORDER SELECT COMMITTEE**

### **SCRUTINY REVIEW OF TREE ASSET MANAGEMENT**

#### **1.0 Executive Summary**

- 1.1 This report outlines the findings and recommendations following the Crime and Disorder Select Committee's scrutiny review of Tree Asset Management.
- 1.2 Stockton-on-Tees Borough Council (SBC) has a legal responsibility to inspect, maintain and manage its tree stock which is located across the Borough. There are currently many thousands of trees within parks, open spaces, woodlands and residential estates, including around 30,000 trees as part of the highway stock, for the Council to manage. During 2020-2021, over 2,000 requests for service were received – these ranged from emergency works (e.g. fallen trees or limbs / structural damage to property) through to more routine enquiries (e.g. pruning due to general nuisance factors such as shading, leaf fall, etc., which tends to be of a seasonal nature).
- 1.3 Trees can, at times, be contentious for residents who often express strong and vocal views on their presence, especially those which are in residential locations where concerns about the safety of trees, potential damage and other perceived nuisance factors are a particular issue for officers to deal with. However, as often recognised as part of the ongoing climate change debate, the wider benefits of trees cannot be underestimated and include the removal of air pollution, providing a valuable habitat for insects and birds, and acting as a natural flood defence, as well as the proven mental health benefits that a green environment brings.
- 1.4 SBC aims to operate a three-year inspection cycle where all its tree assets are checked and any routine, statutory or essential priority works are programmed – this is based upon a range of factors, primarily to ensure compliance with the Local Authority legal duty-of-care, and to ensure a high standard of tree management that delivers maximum benefits to the public in-line with best practice. Resources, though, are stretched, with a substantial growing backlog in essential and routine programmed works that have been identified through the ongoing inspection regime. An increasing proportion of reactive work is dominating the work programme (exacerbated by major storm events and the resultant emergency call-out work) and there has been an increase in customer complaints due to lack of service and long delays.
- 1.5 One of the key themes within the Council Plan is clean and green spaces, and the recent publication of the Council's Environmental Sustainability and Carbon Reduction Strategy 2022-2032 also has implications for the future levels of tree stock, as do new tree planting schemes and land adoptions / transfers from new developments across the Borough. It is therefore important, and timely, to review the Council's existing operational arrangements and resilience levels to ensure that it is equipped to deal with both existing and planned tree assets.

- 1.6 An internally focused piece of work, the main aims of this review were firstly to ascertain the Council's legal responsibilities and its current policy for the management of public tree stock, before examining the inspection and maintenance programme, the pressures contributing to the existing backlog, and the strategy / resources in place to address this. Importantly, the Committee then considered likely / potential future demand and the impact this may have on required operational arrangements.
- 1.7 It was found that Local Authorities have a legal duty of care to ensure they have a defensible system of tree inspection and maintenance for their land and premises. This requires regular inspections (by a qualified person) of all trees and woodlands within a Council's 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. A fundamental aspect behind this review, however, was the fact that the maintenance work required resulting from the three-year SBC survey / inspection cycle was under significant strain, culminating in a substantial growing backlog in essential programmed works that had been identified through the ongoing inspection regime. Unplanned work brought about by storm damage had further exacerbated pressure on the service, leading to increasing delays and frustration with the Council.
- 1.8 Several pieces of legislation are relevant to the management of tree stock covering matters such as the maintenance of trees adjacent to the highway network (Highways Act 1980), the ability of the Local Authority to make and serve Tree Preservation Orders (TPOs) on private land where it is deemed necessary (Town and Country Planning Act 1990), and, more recently, obligations on Local Authorities to manage their assets in a way which will improve air and water quality, increase biodiversity, whilst targeting resource efficiency and waste (Environment Act 2021). It is also important to stress that, linked to its duty of care outlined in the previous paragraph, a Council 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 – this may include damage or injury caused by falling trees and branches.
- 1.9 Outlined by the SBC Environment, Leisure and Green Infrastructure Team, the Committee was informed about the wide-ranging benefits of trees and of adding to the existing tree canopy. Many of these were, naturally, linked to the overarching environment, though others were associated with helping peoples' mental health, providing sustainable fuel and food sources, and positively impacting an area's affluence and house prices. Indeed, trees were recognised as a significant asset within the Council's Environmental Sustainability and Carbon Reduction Strategy 2022-2032, with around 24,000 new trees planted / intended during this and the previous winter season.
- 1.10 Whilst it was very important to understand the positive developments around strengthening the Borough's green infrastructure and associated carbon capture, the focus of this review was on the management of the Council's tree stock. Mindful that the current SBC Tree and Woodland Management Service was a very small team with responsibility for managing tens of thousands of trees within the Borough's towns, highways, parks, cemeteries, open spaces and 400 hectares of woodland, the Committee expressed deep reservations over its ability to cope with the Council's additional tree planting commitment that was already underway. The service was clearly under huge pressure already, and attempts to eat into the increasing delays to essential programmed

work are always at the mercy of external factors such as adverse weather (creating potential emergency situations) and season-specific activity, as well as resource limitations. The Committee also note the service's view that the Council's existing current tree management arrangements represented minimum service requirements.

- 1.11 Probing possible solutions to address the ongoing maintenance backlog, the Committee was interested to hear about the costs of using external organisations to assist (which were stated as being far higher than those of the Council's own service), as well as thoughts around alternative models of in-house delivery. The concept of an additional resource within the service (i.e. a second team) to undertake routine maintenance, thereby allowing the existing specialist staff to focus on more technical operations, was an intriguing proposal (even if this was on a seasonal rather than annual basis) which should be investigated further. In the meantime, and certainly in the future if existing arrangements do not change, there is an increasing need to manage public expectations about what can realistically be achieved by such a small team.
- 1.12 The Committee was keen to ascertain how the resources SBC had to manage its tree stock compared with those of its neighbours (albeit acknowledging the geographical differences of other areas). SBCs in-house staffing levels were found to be broadly in-line with all Tees Valley Local Authorities, though available equipment capacity varied across the five Councils.
- 1.13 To gain an Elected Member perspective (and thereby their Ward constituents) of local tree-related issues, the Committee undertook a survey to identify general themes regarding trees, discover the level of awareness of existing tree management policy / procedures, and experiences of dealing with the SBC Tree and Woodland Management Service. Feedback highlighted that the management of trees was a specific issue in many areas of the Borough, and that whilst Ward Councillors had received a positive service from the Council's in-house team, it was also recognised that resources were limited and impinged on the ability to respond to requests and undertake routine work.
- 1.14 Aside from the clear concerns regarding capacity to keep-up with demand, let alone address the growing backlog of required work, the Committee heard about the growing spectre of ash dieback, a disease which is likely to have substantial implications for all Local Authorities across the country. Whilst this is yet to become a significant issue within the Borough (though will in the coming years), the Committee fully support the stated need to put a management plan in place which identifies required resources for high-problem areas across Stockton-on-Tees. To this end, the Committee also advocates that an ash tree survey is undertaken to establish the potential extent of this issue.
- 1.15 On the crucial topic of finance, the Committee was pleased to learn of the various funding streams that SBC had previously tapped into to support the planting of trees, aftercare and associated activities. It is vital that potential routes to help the 'green' drive, as well as the maintenance of this burgeoning canopy, continue to be sought. The importance of not just focusing on tree planting but on the survival and future thriving of new additions to the Borough's tree stock should also be emphasised, as should the key message which was frequently raised during this review of ensuring that tree planting is done in the right places (with the correct species) in order to make future maintenance easier and minimise revenue costs.

- 1.16 The management of SBC tree stock is, ultimately, a question of resourcing and is therefore very difficult to address given the existing, and likely future, pressures on Local Authority budgets. The current financial climate makes it hard to justify recommending a spending increase anywhere within the Council, though the Committee observes that tree planting is a SBC priority – should this continue to be the case moving forward, it seems incumbent upon the Council to back this up with an appropriate resource allocation which allows its officers to undertake the required maintenance of an enlarging tree stock, something which not only strengthens the Borough's move to a cleaner and greener future, but also ensures residents and visitors are kept safe. If this cannot happen, then it is imperative that the Council makes it clear to its residents what tree management service it can realistically deliver, and that this remains in-line with its legal duty of care.

### **Recommendations**

The Committee recommend that:

- 1) Stockton-on-Tees Borough Council (SBC) refreshes its tree and woodland management policy and procedures, and as part of this:**
  - a) Reaffirms its mandatory (minimum) service requirements and where work is prioritised (e.g. high-use public areas).**
  - b) Reflects within it the realistic cycle of essential maintenance of the Borough's tree stock (and that this be updated as and when required).**
  - c) Emphasises a key message throughout this review regarding the planting of the correct species of tree in the right places (helping to minimise future maintenance requirements and revenue costs).**
  - d) Ensures the updated policy and procedures are published on relevant Council platforms, with an appropriate communications plan to ensure the local population can read its content and understand what future service it can expect.**
  - e) Utilises both print (e.g. Stockton News) and electronic mediums to raise awareness of the current issues around tree management within the Borough, including responsibilities in relation to trees on private land.**
- 2) Tree Preservation Order (TPO) planning procedures be reiterated to all SBC Ward Councillors and relayed to residents periodically via the Council's multiple communication mechanisms (emphasising the enforcement action that can be taken if processes are not followed).**
- 3) Regular engagement continues between the SBC Tree and Woodland Management Service and other relevant Council departments (in particular the SBC Environment, Leisure and Green Infrastructure Team) regarding environmental projects and tree planting maintenance.**

*(continued overleaf...)*

**Recommendations (continued)**

The Committee recommend that:

- 4) **A detailed business case be produced for consideration by SBC management regarding a potential reinforcement team within Grounds Maintenance to undertake smaller scale routine maintenance, thereby allowing the existing Tree and Woodland Management Service specialist staff to focus on more technical operations.**
- 5) **Corporate funding be sourced for an ash tree survey to be undertaken as soon as possible to establish the potential extent of the looming arrival of ash dieback within the Borough, along with a plan on how this will be managed (including anticipated resource requirements).**
- 6) **Consideration be given to strengthening administrative support to the SBC Tree and Woodland Management Service to enhance communications between the team and Ward Councillors / residents regarding tree management enquiries / complaints (particularly around the responses to issues raised and plans / timescales to address them).**