

THE OVERVIEW AND SCRUTINY COMMITTEE

11 July 2011

PROGRESS UPDATE - RECOMMENDATIONS OF TREES INFORMAL SCRUTINY GROUP

REPORT OF THE PORTFOLIO HOLDER FOR CULTURE, HERITAGE AND SPORT

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RECENT REFERENCES:

CAB2158 – Minutes of Environment Scrutiny Panel held 14 March 2011

EN109 - Tree Protection and Management Informal Scrutiny Group - Final Report – 15 March 2011

EXECUTIVE SUMMARY:

This report summarises the progress that has been made against the recommendations of the Informal Scrutiny Group on Trees, which reported to Environment Scrutiny Panel in March 2011. The recommendations of the ISG were considered by Cabinet in April and Cabinet made the following resolutions:

1. That the Tree Protection and Management Informal Scrutiny Group be thanked for their work and their recommendations be supported in principle.
2. That a Report be brought back to a future Cabinet in time to feed into the Budget process for 2012/13 to consider the resource implications and any detailed policy changes that would be required as a result of the ISG recommendations.

RECOMMENDATION:

To note the progress achieved to date against the recommendations of the ISG on Trees

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DETAIL:

1 Introduction

1.1 The Informal Scrutiny Group for Trees reported to Environment Scrutiny Panel in March 2011 with 14 recommendations (EN109 refers). This report provides an update on progress towards delivering these recommendations since they were considered at Cabinet on 13 April 2011.

1.2 Recommendations & *Progress Updates*

- a. That the full utilisation of the facilities provided within the TPO module in CAPS/UNIFORM be investigated using either commissioning budgets or the 1Team process.
 - *Two officers have attended training in use of the UNIFORM TPO module and setting up UNIFORM templates.*
 - *The conclusions from Government consultation on TPO legislation and process have yet to be published. It is unknown whether there will be significant changes to the model order. It is likely that the changes may come through the forthcoming Localism Bill.*
 - *Legal have confirmed that they have no objection to utilising UNIFORM to produce draft TPOs using embedded templates.*
 - *Further progress has not been possible due to a lack of staff resource.*
- b. That the option of providing out-of-hours cover for tree protection in the District through joint working with another Local Authority is investigated.
 - *Progress has not been possible due to a lack of staff resources.*
- c. That the post of Tree Survey Officer be established as a permanent full-time appointment to ensure that the Council is effectively managing Risk arising from trees on Council land.
 - *Full year costs would be £40,311 (includes on-costs and pension).*

- *Cost to bridge gap from 12th November 2011 to 31st March 2012 would be £15,676.*
 - *It was requested that a report be brought back to Cabinet that sets out requirements for additional resources to be considered as part of budget planning process for 2012/13.*
- d. That a Portfolio Holder Decision report is brought forwards to obtain approval for the proposed framework agreement for a Schedule of Rates for tree works.
 - *Portfolio Holder Decision report has been circulated for officer comment following approval by Portfolio Holder and will be available for member consultation shortly.*
 - *It is intended that the joint framework agreement will be in place by 1st April 2012*
- e. That a feasibility study is undertaken to review Winchester (District) TPOs in order to identify and revoke those which are no longer required or replace those which are not enforceable. Resources for the study should be sought through the City Council's 1Team process.
 - *Initial discussions have been held with Legal to identify two sample TPOs that could be revoked to determine how much work is involved and thus inform the potential resource requirements for a wider review. Two TPOs in Conservation Areas were identified for revocation, as the trees remain protected by the Conservation Area designation. There has been no further progress with this due to the limitations on staff resources.*
 - *Further progress with a wider feasibility study has not been possible due to a lack of staff resources in Landscape Team and Legal Dept.*
- f. That the proposed review of planning fees include the costs of the consultation service provided by Landscape and Trees staff with the aim to achieve full cost recovery.
 - *This has been raised with Head of Planning. The landscape and tree officers are participating in Planning Dept's time recording system to assess resource usage for fee setting.*
 - *The Council cannot currently charge for assessing Tree Work Applications but this may change as a result of review of planning fees.*
 - *The Landscape Team does not provide advisory service to private individuals beyond that which is inherent within development control consultations and tree work applications.*

- g. That the Tree Officers assess applications from third parties for permission to undertake works to Council-owned trees on a case by case and grant consent where:
- There is no arboricultural objection to the works;
 - The third party pays for the entirety of the works; and
 - The third party uses a contractor approved by the Council.
- *This approach has been informally adopted by the Tree Survey Officer but, with the Tree Survey Programme on hold and it being the season for bird nesting when requests for tree work reduce, there has been little scope to apply this recommendation.*
- *The recommendation will be formally incorporated into the proposed Tree Policy (see Item m). Once included this has been adopted by Council, it can be publicised on the web-site.*
- h. That the Tree Survey Officer provides advance notification about Council tree works to the relevant Ward Councillors and Parish/Town Council clerks.
- *This approach has been adopted by the Tree Survey Officer who has ensured that Ward Councillors and Parish/Town Councils are notified prior to commencement of any significant tree work.*
- (Note: Tree Survey Programme is currently on hold until 30th September due to redeployment of Tree Survey Officer)*
- i. That options to provide an additional dedicated budget of £5,000 per year for proactive tree management are investigated either through commissioning budgets or increased fee income from planning consultations.
- *No further progress. Unlikely to be feasible given current pressure on budgets.*
- *Proposal will be put forward as a growth request for 2012/13 budget in the Autumn. However, the Head of Finance has advised that the Financial Strategy requires commensurate savings to be found to fund any growth requirements, and that any growth requests will have to be prioritised, as not all will be affordable for the Council.*
- j. That the Council provides information via its web-site about the trees and woodlands within its ownership.
- *This proposal is to publish on the Council's web-site mapping showing trees, groups and trees and woodlands that are in Council ownership (in a similar way to the publishing of TPOs).*

- *The Council purchased the Treewise package to manage its Tree Survey Programme in 2006. The majority of Council trees have been surveyed (some 10,000 trees) and are stored in the Treewise system. This information can technically be published over the web but will require allocation of dedicated IMT resources to set it up.*
- *Progress has been held up because the Treewise package is currently inaccessible due to a conflict with corporate encryption software.*
- k. That the Council provides information to the community to explain its approach to the management of trees.
 - *Will be dealt with by Tree Policy (item m) and update of Landscape Team web pages.*
 - *Review and update of Landscape Team web pages has not progressed due to insufficient staff resources.*
- l. That Council Tree Officers maintain a positive working relationship with HCC Highways.
 - *Contact with Mark Weal, Arboriculture Officer for HCC Highways has been maintained since ISG. The Tree Officers liaise with HCC Highways on a regular basis and forward all enquiries we receive which relate to Highway trees.*
 - *HCC Highways notifies Tree Officers of any proposed significant work to Highway trees in District.*
- m. That a revised Tree Policy be prepared for consideration by Cabinet before the end of 2011.
 - *Initial scoping and planning meeting has been undertaken in May, which determined that further progress is not possible due to limitations on Tree Officer resources until 30th September (see RESOURCE IMPLICATIONS). This has the potential to delay completion of the policy beyond the end of 2011.*
- n. That the Council encourages planting of new trees in part mitigation of the impacts of climate change.
 - *Further progress has not been possible due to a lack of staff resource.*
- o. That the Council identifies opportunities for planting trees on its own land.
 - *Further progress has not been possible due to a lack of staff resource.*
- p. That the Tree Officers arrange a meeting of all the Tree Wardens in the District to provide an opportunity for training and networking.
 - *Further progress has not been possible due to a lack of staff resource.*

OTHER CONSIDERATIONS:

2 SUSTAINABLE COMMUNITY STRATEGY AND CHANGE PLANS (RELEVANCE TO):

2.1 The Council's work with trees (and the recommendations of the ISG) contribute to the High Quality Environment outcome and the following Change Plans:

- a) Reduce the District's greenhouse gas emissions and adapt to a changing climate
- b) Protect and enhance the District's rich biodiversity and habitats
- c) Promote and develop a comprehensive green infrastructure framework for the District, which includes improved provision for walking and cycling
- d) Protect and improve our landscapes and townscapes
- e) Ensure new development is sensitive and appropriate to the local environment
- f) Use the District's natural resources wisely and encourage and support sustainable land management practices in agriculture and forestry

3 RESOURCE IMPLICATIONS:

3.1 **Current Landscape Team Tree Resources**

2 x Tree Officers - permanent full-time (scale 5)

1 x Tree Survey Officer - temporary full-time (scale 4)

(Note: contract ends 11th November 2011)

Note: Temporary arrangements 3rd May to 30th September (due to business need – Depot Services Contract)

1 x Tree Officer seconded to Mobilisation Team for Depot Services Contract from 3rd May until 30th September – guidance and training in supervision of grounds. No cost implications

1 x Tree Survey Officer redeployed to back-fill for Tree Officer during secondment (Tree Survey Programme placed on hold over summer). Cost implication of £18476.65, which Asst. Director High Quality Env't. will resolve later this year.

3.2 In this report, it has been noted that it has not been possible to progress some of the recommendations made by the Informal Scrutiny Group due to lack of

resources. This situation arises because the current available resources (detailed above) are fully deployed delivering existing work:

Tree Officers x 2

- a) Responses to Development Control consultations in respect of potential impact of developments on trees – ensuring that development does not have an adverse impact on trees (over 300 consultations in 2010 - average of 25 per month).
- b) Attendance at appeals and support for planning enquiries (proofs of evidence, attendance etc).
- c) Assessing applications for work to protected trees (TPO trees and trees in Conservation Areas) (540 consultations in 2010 – average of 45 per month).

Tree Survey Officer x 1

- d) Supervision, monitoring and management of the City Council's tree stock to manage exposure to risk (10,000 plus trees). Prepares annual schedules of maintenance work, arranges tenders and supervises contractors.
- e) Assessments and site visits in response to customer requests and Client inspection requests (Housing, Estates etc.) relating to Council trees. Provides advice on appropriate arboricultural solutions to Clients.
- f) Prepares specifications for ad-hoc tree work; commissions and supervises contractors in delivery.

3.3 Reductions in the staffing of the Legal Department have also reduced capacity to progress certain recommendations.

4 RISK MANAGEMENT ISSUES

4.1 Placing the Tree Survey Programme on hold for five months has been necessary to meet a short-term temporary business need; preparation for the new Depot Services Contract from 1st October. Combined with a similar scenario last year, this means the Tree Survey Programme is running behind schedule and there is a slight increased risk to the Council due the failure to undertake scheduled inspections.

4.2 The Trees ISG recommended that the Tree Survey Officer post be made permanent to ensure that the Council properly manages its exposure to risk from trees on its land. No progress has been made in establishing how this post can be funded beyond 11th November 2011, which will expose the Council to increased risk.

BACKGROUND DOCUMENTS:

NONE

APPENDICES:

NONE