

MIDDLESBROUGH COUNCIL	
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Report of:	Director of Environment and Community Services. Executive Member for Environment and Community Services.
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Relevant Executive Member:	Executive Member for Environment and Community Services.
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Submitted to:	Executive
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Date:	29 November 2023
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Title:	Tree Policy
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Report for:	Decision
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Status:	Public
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Strategic priority:	Quality of service
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Key decision:	Yes
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Why:	Decision(s) will have a significant impact in two or more wards
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Subject to call in?:	Yes
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Why:	
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Proposed decision(s)	
	That the Executive agrees to adopt the amended Tree Policy as attached in appendix 1.

Executive summary	
	<p>The previous Tree Policy was adopted by the council in 2016 and further updated in 2021. The tree policy covered the management of Trees within Middlesbrough and gave advice to residents on dealing with all Arboricultural issues and in turn dealing with any issues that may arise with trees.</p>

The existing Tree policy has been in use for 3 years and it is important that a review is conducted to ensure it remains effective/compliant with industry best practise.

This policy review looked at current practices, changes in legislation to ensure they are all current and still relevant to the policy. It also looked at any ambiguities from the previous policy and clarified the council position.

There is also an important change to the policy in that the previous point 55 (exceptional circumstances) has been removed.

The final decision in relation to any works requested to any given tree will rest with Middlesbrough Councils Area Care officers. The route for any appeal will be through Middlesbrough Councils Complaints procedure.

1. Purpose

The purpose of this report is to seek approval for Middlesbrough Councils Tree Policy (amended November 2023) to be adopted by the council.

2. Recommendations

That the Executive: approves Middlesbrough Councils revised Tree Policy (amended November 2023).

3. Rationale for the recommended decision(s)

The Tree Policy has been reviewed and subsequently amended to ensure it remains in line with legislation, best practice and offers clear concise guidance to all users.

The previous tree policy identified that where a dispute arose against a decision of the Arboriculturist, the matter would be referred to the Executive Member.

The correct approach would be for the matter to be dealt with through the complaints process if the person is dissatisfied, thereby distinguishing the separation of powers

4. Background and relevant information

The proposed revised Tree Policy now also takes into consideration any advancements in technology not included in the previous version, i.e. solar panels and modern telecommunications. Policy amendments are as listed below with previous section numbers in brackets for ease of reference:

Section 26 (new) – A new section in relation to tree planting considerations. (Please note, all subsequent numbers are now advanced by one section).

Section 56 Exceptional Circumstances– This section has been removed so that it did not compromise the Executive Members position. Members of the public will still be given the right of appeal, however, they will now be advised to go through Middlesbrough Councils Complaints Procedure for any such disputes.

5. Other potential alternative(s) and why these have not been recommended.

To remain status quo. This is not an option, as not having a Tree Policy in place will place Middlesbrough at serious risk and mean target setting opportunities could be missed.

6. Impact(s) of the recommended decision(s)

6.1 *Financial (including procurement and Social Value)*

There will be no additional financial implications on the adoption of the proposed revised Tree Policy.

6.2 *Legal*

There will be no legal implications in the revised policy.

6.3 *Risk*

The risk is that if the Tree Policy is not adopted the council may be liable for legislation breaches.

Non adoption will impact on the councils status as a “Tree city of the World”.

6.4 *Human Rights, Public Sector Equality Duty and Community Cohesion*

This report has been subject to an initial Impact Assessment (IA), which accompanies this report (see Appendix 2). This identifies that a full IA is not necessary.

6.5 *Climate Change / Environmental*

There will be no detrimental impact on climate change/Environmental issues in adopting the proposed revised Tree Policy.

6.6 *Children and Young People Cared for by the Authority and Care Leavers*

There will be no impact in relation to adopting the proposed revised Tree Policy.

6.7 *Data Protection / GDPR*

There will be no Data Protection/GDPR implications in adopting the proposed revised Tree Policy.

Actions to be taken to implement the recommended decision(s)

Action	Responsible Officer	Deadline
Upload the new agreed Policy to replace the current online version.	Richard Ward	March 2024

Appendices

1	Revised Tree Policy (November 2023)
2	Initial Impact Assessment
3	

Background papers

Body	Report title	Date

Contact:

Email: