

**Impact Assessment Level 1: Initial screening assessment**

<b>Subject of assessment:</b>	Middlesbrough Council Tree Policy (amended November 2023)			
<b>Coverage:</b>	Service Specific			
<b>This is a decision relating to:</b>	<input type="checkbox"/> Strategy	<input checked="" type="checkbox"/> Policy	<input type="checkbox"/> Service	<input type="checkbox"/> Function
	<input type="checkbox"/> Process/procedure	<input type="checkbox"/> Programme	<input type="checkbox"/> Project	<input checked="" type="checkbox"/> Review
	<input type="checkbox"/> Organisational change	<input type="checkbox"/> Other (please state)		
<b>It is a:</b>	<b>New approach:</b>	<input type="checkbox"/>	<b>Revision of an existing approach:</b>	<input checked="" type="checkbox"/>
<b>It is driven by:</b>	<b>Legislation:</b>	<input type="checkbox"/>	<b>Local or corporate requirements:</b>	<input checked="" type="checkbox"/>

<p><b>Description:</b></p>	<p>Insert short description, using the following as sub-headings:</p> <ul style="list-style-type: none"> <li> <p><b>Key aims, objectives and activities</b></p> <p>To review and update Middlesbrough Councils Tree Policy in relation to 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. The policy now also takes into consideration any advancements in technology not included in the previous version, i.e. solar panels and modern telecommunications. There is also a new section on planning taking into consideration any new housing developments.</p> <p>There is also an important change to the policy introducing a revised element in the disputes section (previously point 55, now point 56) of the policy.</p> <p>Following Legal advice, “An appeals process that goes to the Executive Member is not appropriate and I would go so far as to say that it is ultra vires, which could lead to the determination of the Executive Member being Judicially Reviewed as acting beyond their power”, the new policy removes the decision for members of the public in special circumstances to seek the view of the Executive Member for Environment in respect of tree disputes. This will protect the respective Executive Member from being Judicially Reviewed as acting beyond their power.</p> <p>Members of the public will still be given the right of appeal, however, they will now be advised to appeal to the Director of Environment and Community Services for any such disputes.</p> <p><b>Statutory drivers (set out exact reference)</b></p> <p>There are a number of statute laws (Acts) that affect arboriculture, namely: Anti-social Behaviour Act 2003, Highways Act 1980, Local Government (Miscellaneous Provisions) Act 1976, Access to Neighbouring Lands Act 1992, Town and Country Planning Act 1990, Tree preservation Orders, Nesting birds and the Occupiers Liability Act. As the landowner, Middlesbrough Borough Council also has a statutory obligation to inspect and manage its tree stock. The tree owner or manager has a ‘common law’ duty of care to: ‘take reasonable care to avoid acts or omissions which they can reasonably foresee would be likely to injure their neighbour’. In practice this means that if a tree fails and causes damage to a person or property then the tree owner may be liable.</p> </li> <li> <p><b>Differences from any previous approach</b></p> <p>The policy review looked at 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. The policy now also takes into consideration any advancements in technology not included in the previous version, i.e. solar panels and modern telecommunications. There is also a new section on planning taking into consideration any new housing developments.</p> <p>There is also an amendment in point 56 of the report which removes the right of appeal to the Executive member and replaces it with a right of appeal to the Director of Environment and Community Services, thus reducing the exposed risks to the Executive Member for Environment.</p> </li> <li> <p><b>Key stakeholders and intended beneficiaries (internal and external as appropriate)</b></p> <p>The key stakeholders are Environmental Services, Residents and Members.</p> </li> <li> <p><b>Intended outcomes.</b></p> <p>By reviewing the Tree Policy the authorities Arboricultural Officer/representative will give more clarity and remove any ambiguity in relation to queries and officers responses, hopefully resulting in a better understanding and outcome(s) for all concerned. To give further clarity in relation to tree enquiries, supporting both the authority, stakeholders and residents. It also looks to protect the Executive Member for environment whilst still giving a right of appeal.</p> </li> </ul>
<p><b>Live date:</b></p>	<p>November 2023.</p>

<b>Lifespan:</b>	5 years (in line with Middlesbrough Councils 5 year tree inspection schedule)
<b>Date of next review:</b>	N/A

Screening questions	Response			Evidence
	No	Yes	Uncertain	
<p><b>Human Rights</b></p> <p>Could the decision impact negatively on individual Human Rights as enshrined in UK legislation?*</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>There are no concerns that the proposals could impact adversely on human rights. Evidence used to inform this assessment includes analysis of staff demographics, engagement to date with staff and analysis of current service provision.</p> <p>Feedback from the budget consultation process which found no concerns in relation to human rights.</p>
<p><b>Equality</b></p> <p>Could the decision result in adverse differential impacts on groups or individuals with characteristics protected in UK equality law? Could the decision impact differently on other commonly disadvantaged groups?*</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The Public Sector Equality Duty (PSED) requires that when exercising its functions the Councils must have due regard to the need to:-</p> <ul style="list-style-type: none"> <li>eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;</li> <li>advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and</li> <li>foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</li> </ul> <p>In having due regard to the need to advance equality of opportunity, the Council must consider, as part of a single equality duty:</p> <ul style="list-style-type: none"> <li>removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;</li> <li>taking steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it; and</li> <li>encouraging people who share a protected characteristic to participate in public life or in any other activity in which participation is low.</li> </ul> <p>Evidence used to inform this assessment includes analysis of demographics, engagement to date with staff and analysis of current service provision.</p>

\* Consult the Impact Assessment further guidance appendix for details on the issues covered by each of these broad questions prior to completion.

Screening questions	Response			Evidence
<p><b>Community cohesion</b></p> <p>Could the decision impact negatively on relationships between different groups, communities of interest or neighbourhoods within the town?*</p>	☒	☐	☐	<p>Not applicable. There are no concerns that the proposal could have an impact on community cohesion.</p> <p>There is no evidence to indicate that service users and / or the wider community have any concerns about the impact of the proposals on community cohesion.</p> <p>However, consultation on this proposal is underway and if there are any community cohesion concerns identified within that process, this will be considered within a stage 2 impact assessment.</p> <p>Evidence used to inform this assessment includes feedback from the budget consultation and additional engagement undertaken by the service which found that...</p>

**Next steps:**

- ➡ If the answer to all of the above screening questions is No then the process is completed.
- ➡ If the answer of any of the questions is Yes or Uncertain, then a Level 2 Full Impact Assessment must be completed.

<b>Assessment completed by:</b>	Craig Coverdale	<b>Head of Service:</b>	Andrew Mace
<b>Date:</b>	01 April 2022	<b>Date:</b>	01 April 2022