
ECONOMIC DEVELOPMENT, ENVIRONMENT AND INFRASTRUCTURE SCRUTINY PANEL

A meeting of the Economic Development, Environment and Infrastructure Scrutiny Panel was held on Tuesday 23 February 2021.

PRESENT: Councillors M Saunders (Chair), B Hubbard (Vice-Chair), R Arundale, D Branson, D Coupe, T Furness, L Lewis, M Storey and S Walker

OFFICERS: S Lightwing, R Horniman, A Mace, G Robinson, Ward, S Bonner and J McNally

APOLOGIES FOR ABSENCE: None.

20/42 **DECLARATIONS OF INTEREST**

There were no declarations of interest received at this point in the meeting.

20/43 **MINUTES - ECONOMIC DEVELOPMENT, ENVIRONMENT AND INFRASTRUCTURE SCRUTINY PANEL - 20 JANUARY 2021**

The minutes of the meeting of the Economic Development, Environment and Infrastructure Scrutiny Panel held on 20 January 2021 were taken as read and approved as a correct record.

20/44 **REVIEW OF TREE POLICY**

The Head of Environment Services, Senior Area Care Manager, and Operations Manager, were in attendance to present the Council's updated draft Tree Policy which had been under review since September 2020.

A copy of the draft policy had been circulated to Panel Members in advance of the meeting. The policy set out the criteria for the inspection regime and Planning Considerations which Middlesbrough Council would adopt in respect of those trees for which it had a legal responsibility. The policy also explained how the Council would deal with complaints in respect of those trees, detailed the legislation on which the policy criteria was based, and set out how disputes in terms of complaint resolution would be dealt with.

The Senior Area Care Manager highlighted the proposed amendments to each section of the Policy as follows:

Section 1: Planning Considerations had been added as planning matters often superseded the Policy, for example if a site was earmarked for development.

Sections 6 and 21: the regulations had been updated to The Conservation of Habitats and Species Regulations 2010.

Section 17: added clarity in terms of the inspection regime. A routine inspection regime was in place but managers also inspected trees on an ad hoc basis when members of the public raised concerns about trees.

Section 24: added clarity in terms of the structural engineer's report that felling may be considered if a tree was proven as a major contributor to serious structural damage to buildings or infrastructure.

Section 26: a new section explaining that the Council would not fell or prune trees due to falling leaves, blossom, fruit, sap or mildew. This was a seasonal occurrence that is considered an inconvenience and not a nuisance.

Section 38: a change to the policy that vegetation beneath hedges may be left unmanaged. Research proved that was better for wildlife than introducing artificial beetle banks as had been the previous policy.

Section 46: the word “landowner” had been changed to “claimant” since it was not always the landowner who made a claim.

Section 49: clarified that if an arborist’s report was obtained it must be at the expense of the claimant rather than the Council.

Section 52: updated to state that where consent was given, works could be undertaken, by a suitably qualified contractor, with written agreement from the Council and at the complainant’s expense.

Section 54: reworded for clarity to state: Where agreement has not been reached between the resident and the Council Officer, the Executive Member for Environment may determine that due to the specific circumstances a special case can be made, and may agree to works being carried out which may fall outside of this policy guidance. The decision of the Executive Member will be final in all such cases.

The following issues were raised by Panel Members:

In relation to the removal of hedgerows by housing developers, it was explained that the Council would take guidance from the Town and Country Planning Act. All landscape schemes would be provided by a developer prior to planning applications being approved.

Whilst there was currently a greater emphasis on tree planting by Middlesbrough Council and the ideal scenario was that every tree felled would be replaced, the Officer was unable to confirm that this was stipulated in the Policy but offered to seek clarification on that point.

In relation to residents providing proof of damage, it had always been a point of insurance law whereby the Council would not assume or accept presumption of damage and it had to be proven. However, Area Care Managers, would provide evidence for insurance purposes where it was obvious that a tree was the cause of damage. For example, where a root was emanating from a tree and had damaged a wall, that would be accepted as evidence and there would be no requirement for a structural engineer’s report. It was more complicated where there was indirect damage, for example, where a tree had the potential to cause structural issues with property or buildings. Trees could remove the water from below the foundations, if built on clay or gypsum, and cause shrinkage and subsidence. When the gypsum or the clay rehydrated, the structure could lift and cause heave. Officers were not qualified to determine whether this was a structural issue or indirect issue and therefore a structural engineer’s report would be required.

Examples of issues raised by Members of the public with overgrown trees blocking light and causing uneven pavements were shared and the Officer assured the Panel that each request for remediation was considered in line with the Policy. In legislation there was no right to light and the Council could not intervene. However, there were other options open to residents as set out in Section 55 of the reviewed Policy.

With regard to conservation areas, an application had to be made to remove any trees and the Council would consider whether they were worthy of protection or could be removed. A Tree Preservation Order (TPO) could be put in place if needed. Without a TPO the owner was free to remove the tree and there was no requirement to replace it. If authority was granted to remove a tree which had a TPO, for example if it was diseased, then the owner was required to replant another tree. The Council had no powers to insist that a tree was replaced just because it was in a conservation area.

In order to reduce many of the issues, trees were often hybridised or bred to reduce surface rooting for example. The Council carefully considered the space that trees would be planted in to ensure that it was appropriate for the type of tree. Care was taken to choose appropriate species of trees for roadside planting. If there was any root displacement from trees, the Highways Section would contact the Area Care Manager of that area. A decision will be made on site whether a tree root could be cut and the tree remain safe. If not, the footpath would be constructed over it to ensure there was no tripping hazard.

The trees selected for the Mayor’s tree planting initiative were British Natives that were good at growing in the conditions particularly in this part of the country. Each tree came with a barcode that described the tree’s potential growth rate, adult size, planting conditions

required, and aspect from that tree and there were several to choose from. The small trees were the Hawthorne and the Rowan, medium trees were Limes and Hazels and the large trees were Hornbeams, Oaks and Beech Trees. Residents could choose the most suitable tree type for their garden and advice was provided about growth and height etc.

The Chair thanked Officers for attending the meeting, presenting the reviewed Tree Policy and answering queries.

AGREED that the information provided was received and noted.

20/45

REVIEW OF PEST CONTROL - DRAFT FINAL REPORT

A copy of the Draft Final Report on Pest Control had been circulated with the agenda.

Members provided recommendations for inclusion in the Final Report.

The Head of Environment Services informed the Panel that a desktop exercise had been undertaken which indicated that offering a free pest control service to residents could only operate at a cost to the Council. However, the Service would also investigate chargeable services offered to residents by other Local Authorities.

AGREED that the:

1. Following conclusions were approved:

TERM OF REFERENCE A – To examine the Pest Control Services currently offered by Middlesbrough Council including the resources required to run the service and income achieved.

The Council has 70 commercial contracts across Middlesbrough which generates approximately £43K per annum. The Council also has a joint contract with Durham County Council for Thirteen Group and the income from this contract is approximately £95K. The income achieved from the Thirteen contract covers the Council's costs in terms of running the service.

TERM OF REFERENCE B – To establish the range and cost of pest control services provided by other Tees Valley Councils and local private operators.

The costs of pest control services offered by the Tees Valley Councils varies, ranging from a free service up to £83, depending on the type of pests and number of visits required. Commercial Operators' fees are similarly varied and appear generally more expensive.

TERM OF REFERENCE C – To consider whether expanding Middlesbrough Council's pest control services could provide an additional income stream to the Council.

Unlike the other four Tees Valley Authorities, Middlesbrough Council does not currently offer any pest control services to private residents. Anecdotal evidence gathered indicates that there is an increasing rodent problem in Middlesbrough. However, as the Council does not record service requests for pest control services from private residents, it is difficult to ascertain the extent of the problem or the likelihood of take-up of any such Council service by residents.

2. Following recommendations were approved:

A) Consideration is given to Middlesbrough Council offering a low cost Pest Control Service to residential properties and whether this would provide an additional income stream to the service area.

B) Investigate whether an amount could be included within the Council Tax charge to provide a pest control service to private residents without any additional fee.

C) Promote educational messages about good house-keeping to prevent vermin

infestations through the LoveMiddlesbrough magazine.

3. Final Report on Pest Control would be submitted to the Overview and Scrutiny Board for consideration.

20/46 **DATE OF NEXT MEETING - 24 MARCH 2021**

The next meeting of the Economic Development, Environment and Infrastructure Scrutiny Panel would be held on Wednesday 24 March 2021.

20/47 **OVERVIEW AND SCRUTINY BOARD UPDATE**

The Vice Chair provided a verbal update on items considered at the Overview and Scrutiny Board meetings held on 27 and 29 January and 11 February 2021.

20/48 **ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED**

Work Programme

Members suggested topics for the Panel's future Work Programme which included the Freeport, Middlehaven Masterplan and an update on the CityFibre programme.