

Report of:	Councillor Barrie Cooper - Executive Member for Environment and Finance & Governance Geoff Field - Director of Environment and Community Services
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Submitted to:	Executive - 27 May 2021
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Subject:	Tree Policy (amended February 2021)
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Summary

Proposed decision(s)
That Executive approve the adoption of the amended Tree Policy (amended February 2021)

Report for:	Key decision:	Confidential:	Is the report urgent? ¹
Decision	Yes, impacts two or more wards	No	No

Contribution to delivery of the 2020-23 Strategic Plan		
People	Places	Business
In ensuring that our town is an absolute leader on Environmental issues.	In making Middlesbrough look and feel amazing. It support the councils Green Strategy. It supports the councils "Tree City of the World" status.	In creating positive perceptions of our Town on a national basis.

Ward(s) affected
The proposal impacts across all wards

What is the purpose of this report?

1. The purpose of this report is to seek approval for Middlesbrough Councils Tree Policy (amended February 2021) to be adopted by the council.

Why does this report require a Member decision?

2. The proposal affects more than two wards and is therefore considered a key decision requiring approval by the Executive.

Report Background

3. The previous Tree Policy was adopted by the council in 2016. 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.
4. The existing Tree policy has been in use for 5 years and it is important that a review is conducted to ensure it remains effective/compliant with industry best practise.
5. 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. All amendments are as listed below:

Section 1 – Includes the inspection regime for clarity.

Section 6 – Updated section with updated/current Legislation.

Section 8 – No change in Legislation, section remains the same.

Section 17 – Added clarity to advise that inspections are also made on an ad-hoc basis if required.

Section 21 - Updated section with updated/current Legislation.

Section 24 – Bullet point 4 adds clarity that Middlesbrough Council require evidence that tree or trees are the cause of serious structural damage.

Section 26 – This is a new section added to provide clarity based on “Good arboricultural Practice”.

Please note all subsequent sections have been advanced within this policy from section 26 onwards by one section.

Section 27 – bullet point 5 added clarity to advise that pruning may be considered if it interferes with all service equipment.

Section 27 – bullet point 7 this is a new section explaining trees may be pruned if they restrict Council maintenance of an area.

Section 38 – Removal of the beetle bank creation to the base of hedgerows in favor of “Diverse wildlife and fauna”

Section 46 – Reworded advising that the responsibility is on the claimant to establish the cause of damage.

Section 49 – Clarity has been provided to advise that the expense for the report is with the claimant.

Section 52 – We removed the section whereby the Council could quote for any works.

Section 54 – Reworded section providing greater clarity in the event that an agreement is not reached between a resident and a Council officer.

What decision(s) are being asked for?

6. That Executive agrees to adopt the Tree Policy (amended February 2021).

Why is this being recommended?

7. 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.

Other potential decisions and why these have not been recommended

8. Doing nothing is not an option, not having a Tree Policy in place will place Middlesbrough at serious risk and mean target setting opportunities could be missed.

Impact(s) of recommended decision(s)

Legal

9. There are no legal implications.

Financial

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

Policy Framework

11. The report sets out a proposal in accordance with the Council's approach to the delivery of efficient services. It delivers on priorities set out in the councils Strategic Plan.

Equality and Diversity

12. An Impact Assessment has been carried out and there are no initial concerns.

Risk

13. The risk is that if the Tree Policy is not adopted the council may be liable for legislation breaches.
14. Non adoption will impact on the councils status as a "Tree city of the World".

Actions to be taken to implement the decision(s)

15. Adopt the Tree Policy (amended February 2021)

Appendices

16. Equality impact assessment level 1

Background papers

Body	Report title	Date
	Tree Policy (amended February 2021)	March 2021