

Neighbourhoods Scrutiny

2017



Report of: Strategic Director, Neighbourhoods

Title: Tree Service, Bristol

Ward: Citywide

Officer Presenting Report: Strategic Director, Neighbourhoods: Alison Comley

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Recommendation

That Scrutiny notes the potential impact of budget savings on maintenance work to trees on the adopted highway; and

Notes both the Council's response to case studies on typical trees management issues as reported to Councillors.

Summary

As part of wider savings from Highways maintenance budgets the anticipated budget for tree works on the adopted highway has been reduced from £240K to £53K.

The impact on work priorities is still being determined. High priority health and safety work will continue to be carried out. Health and safety monitoring will continue to be carried out.

The significant issues arising are:

The Council's current Arboricultural contractor is making changes to the service as result of the overall reduction in the contract value with Bristol City Council. An initial change is the removal of 24/7 emergency response cover for tree incidents.



Context

The Tree Management Service proactively manages the Council’s tree stock to:

- Comply with duties under the Health and Safety at Work Act to maintain trees in a reasonably safe condition;
- Comply with statutory responsibilities under the Highways Act;
- Minimise claims for tree-related property damage claims;
- Minimise claims for tree-related personal injury claims;
- Preserve their amenity, conservation and environmental value.

The Service inspects and specifies work to trees on land belonging to Highways, Housing Estates and Parks and reactively inspects trees belonging to other services, such as Docks, City Development, Housing Reactive Repairs, Cems & Crems, Allotments etc., specifying work as appropriate and recharging at cost, giving them the benefit of the Schedule of Rates in the Tree Works Contract.

In 2016/17 the Service was funded by contributions of £240K from Highways and £200K from Housing Estates with the balance of the budget coming from Parks.

As part of agreed and adopted savings to the 17/18 Highways maintenance budget, there is a need to reduce the budget available for tree works on the adopted highway from £240K in 2016/17 to £53K in 2017/18.

The health and safety monitoring and inspection of trees on the adopted highway is unaffected as these are already paid for through Parks budgets.

The maintenance and inspection of trees on other Council-owned land, including Parks and Housing land, will continue unchanged.

Scrutiny has asked officers to comment on a discussion paper which sets out a series of case studies relating to the management of trees – in order to support Councillors responding to constituents’ enquiries. Officer’s response is provided within the document as Appendix 1 and draws on the Council’s adopted Tree Management Policies which can be found online here <https://www.bristol.gov.uk/documents/20182/32823/Tree+management+policy+2016/049b3533-d4df-4161-a2f8-a63da223530e>.

Proposal

- All priority health and safety tree works will continue to be responded to and dealt with.
- The budget reduction is likely to reduce the amount of work that results from inspections and the proactive work that reduces the risk of tree and tree limb failure and insurance claims. Areas of tree work potentially affected by tree budget savings include:
 - Tree pollarding programme
 - Epicormic growth removal
 - Pro-active maintenance
 - Tree planting in the adopted highway

- An initial impact from the savings being implemented has been the removal by Gristwood and Toms, the Council’s Arboricultural contractor, of its 24/7 emergency response cover for tree-related incidents. An emergency response will be provided only in core working hours – 8am to 6pm Monday to Friday excluding bank holidays. Outside of these hours and days, the Council will need to pay separately to manage incidents on case by case basis.

Appendices:

Appendix 1 – Response to typical constituent tree-related enquiries

Issue raised for discussion	Officer response
<p>Mrs A contacts the Council to report that trees on the other side of her back garden are increasingly encroaching into the garden itself. She is concerned that her shed and greenhouse will be damaged if the growth continues. She is told by a BCC officer that she can cut the branches back herself. She is unable to do so because she does not have the necessary equipment and is not physically fit enough to do the job safely.</p>	<p>This circumstance is covered in the Council’s Tree Management Policies. Overhanging branches from Council property are not treated differently than from any other neighbour. The householder has a common law right to prune back to the boundaries of her property (taking into account any conservation area restrictions or Tree Preservation Orders). If the householder cannot do the job she can engage someone to do it on her behalf, or potentially request assistance from community or charitable organisations.</p> <p>If the ‘tree’ is more scrub or other woodland vegetation <u>growing from Council-land</u> (self-seeded buddleia etc.), then it could be a job for the Council’s parks grounds maintenance service to cut back from the council side.</p>
<p>Miss B and Mr C are neighbours in a supported housing complex. They enjoy gardening and spending time outdoors but are not as mobile or as physically strong as they were. They are concerned about some large trees, which they deem to be unsuitable for the communal garden because they block natural light from some of the flats, the ground roots are a trip hazard and the large birds that sit in the trees are considered a menace because of their droppings. These residents both feel that ideally the trees should be taken out and replaced with more suitable trees and they have said they would be prepared to provide the replacements. However they would</p>	<p>These examples are covered by the Council’s Tree Management Policies:</p> <ol style="list-style-type: none"> 1) Trees are not trimmed for blocking natural light; 2) The trip hazards from roots are not covered by tree maintenance and would need to be looked at and mitigated by the Landowner’s asset manager – so Housing Estate Management if the site was Council-owned; 3) Trees are not pruned to reduce bird droppings.

not be able to do the necessary work.	
Mr D contacts his ward councillor to complain about leaves on his lawn from the tree to the side of his garden, on land owned by BCC. He would like to see the tree cut down as he thinks it is ugly. He thinks it is the 'Council's responsibility' to do this.	<p>This example is covered by the Council's Tree Management Policies:</p> <p>The Council doesn't prune or fell trees because of leaf fall and the aesthetic value of the tree is a matter of individual taste.</p>
Miss E reports large amounts of bramble vegetation coming through her garden fence from BCC-owned property. The occupant is an elderly lady who has allowed the brambles to 'get out of hand' but refuses to allow Miss E to go and cut them back at source so they continue to grow.	<p>If it is a council tenant's garden causing an issue, then it could potentially be a breach of tenancy if they are not maintaining their garden, especially if it is causing an issue for neighbours. This should be referred to the relevant housing officer to follow-up with the tenant. In extreme cases Housing may pay for the Parks Service to carry out cut-back work.</p>
Mr F is the Head of a local secondary school with nearly 1,000 pupils, most of whom make their own way to the school. He is concerned about the nearest bus stop, which is poorly lit, due to the branches of a nearby tree blocking the street lights. He is also worried about the overgrown vegetation blocking the narrow path along the road to the school. There is so little space that pupils tend to walk in the road itself. He is concerned that the Council is not taking the problem seriously enough and wonders whether it will take a death or a serious injury to get them to take appropriate action.	<p>The Tree Management Policies state that we will undertake work to a Council-owned tree to maintain clear sight lines and this would include work to the canopy to trees blocking light from streetlights (see NOTE below).</p> <p>We maintain a minimum of 2.5m clearance over a footpath so if this was a pavement then we would undertake this work to Council owned trees. We do advise that any works to prevent an obstruction in the width of a carriageway, cycle or foot path associated with the highway due to the presence of a council-owned tree would be considered on a case-by-case basis. On the information above, we would specify the work if we were responsible for the tree/path. The Tree Service does work with the transport team to maintain access to bus stops.</p> <p>If the tree is growing from private land on to part of the adopted highway (includes Public Rights of Way) then it Highways can enforce against the private landowner.</p> <p>NOTE: However, from April 2017, if the tree is on the adopted highway, a budget reduction means this work would be considered by the Council's Highways service alongside other work. A greater priority will be to deal with trees that are creating an immediate health and safety risk for users of the adopted highway.</p>

