

Decision Pathway – Report Template



PURPOSE: Key decision

MEETING: Cabinet

DATE: 18 June 2018

TITLE	Tree management contract and strategy		
Ward(s)	All wards		
Author: Richard Fletcher	Job title: Parks Services Manager		
Cabinet lead: Councillor Craig	Executive Director lead: Colin Molton		
Proposal origin: BCC Staff			
Decision maker: Cabinet Member			
Decision forum: Cabinet			
Timescales: G&R EDM 10 th April; Cabinet member briefing w/c 15 th April; Cabinet 18 th June 2019			
Purpose of Report:			
To authorise the procurement of a new tree management and maintenance contract for all trees on council land, and to further develop and consult on a new tree strategy for Bristol.			
Evidence Base:			
General			
<p>Trees play an important role in the Bristol urban landscape. As well as visually improving neighbourhoods and the city centre and creating green corridors connecting spaces, they reduce air pollution, reduce flood risk and ameliorate the urban effects from climate change and act as carbon storage. The One City Plan demonstrates Bristol's commitment to increase the tree canopy in the city and significantly enhance these benefits.</p> <p>However, trees are expensive so we need an innovative, collaborative plan to achieve the aspirations for Bristol and deliver their benefits. This report sets out what is needed for the council in the short term to manage council owned trees, and also highlights the need for an updated tree strategy and the council's role in developing this strategy.</p>			
1. Tree maintenance contract:			
<ul style="list-style-type: none"> The Council's tree maintenance contract with Gristwood and Toms expires in March 2020. We require approval now to procure a new contract in order that the Council can continue to meet its legal obligations to maintain trees on its land and on the adopted highway; avoiding any increased health and safety risk. The Council currently has four officers who directly inspect trees on the adopted highway, in parks and green spaces and on land managed by Housing to determine whether there is any risk of harm to life and property and to determine the health of the tree. The tree officers commission any resulting tree maintenance works (pruning, felling) as necessary from the contractor. The Council is not able to carry out its own works beyond small-scale incidental works in parks. The contractor will also plant new trees as instructed. Not all trees in Council ownership are routinely inspected. <i>This has been highlighted as an increased risk to the council on its Corporate Risk Register.</i> Unmanaged trees are estimated to be located in an area of approximately 605 hectares of Council land. To lower the potential significant risks to the council, residents and visitors it is proposed to inspect all council-owned trees and to expand the scope of the new contract accordingly. It is estimated through modelling that this will uplift annual spend by up to £300k from £500K to £800K – a more accurate calculation will be made once the inspections are complete which is likely to be by the end of 2020/21 financial year. The contract will have a minimum spend value and will allow for flexibility to increase tree maintenance as a result of the inspections of the additional trees. Funding for the additional tree works and 			

inspections would need to be identified within relevant landowning department's *current* asset management budgets.

2. Tree Strategy

- The Council has been engaging with Forest of Avon, Woodland Trust and the Bristol Tree Forum with regard to a new tree strategy that will set out a proposed way forward with regard to tree planting in the city and how this may be funded and delivered. The One City Plan's aspirations include very high numbers of new trees to be planted each year and this can only be achieved with a clear and logical approach to identifying suitable sites and identifying species, generating commitments from landowners, having sufficient capital funds to procure trees and a suitable vehicle / resource to engage the public and communities and carry out tree planting.
- The Strategy will also set out the Council's approach to managing its tree stock appropriately – meetings its obligations with regard to heritage and important landscapes, maintaining a diverse age structure in its parks and in streets, acting when trees destroy and disturb important infrastructure or prevent public access and when they impact on public safety or the commercial potential of parks and green spaces. It is important that we give a clear message as to why we sometimes need to remove trees and offer reassurance to residents and communities that we do this in a sensible, logical way and that we advise of our approach to compensatory planting.
- Initially the strategy will focus on council trees. It is hoped that as the One City approach is developed the strategy can be expanded and incorporated into the city approach for delivering the tree canopy aspirations through the One City Plan Environment Board. We are keen to take a key role in the development of this plan.
- The tree strategy will be subject to a full public consultation.

3. One Tree Per Child

- Bristol City Council has been running a very successful One Tree Per Child project for the past four years. The project has one year remaining. It has successfully planted 57,000 trees working with all Bristol's primary schools. It is our proposal that the Council continues this project, and expands it as one of the key delivery mechanisms for the tree strategy as it is a key contributor to increasing the tree canopy in Bristol. We are working on the financial model for continuing this as the funding ceases in 2020. The cost is c£45k a year.

Cabinet Member / Officer Recommendations:

That Cabinet:

1. Delegate authority to the Executive Director for Growth and Regeneration to procure and enter into a contract for maintenance of trees owned and managed by Bristol City Council from the 1 April 2020 for 5 years with option to extend for another 5 years.
2. Note that a new Tree Strategy report will be submitted to Cabinet following public consultation
3. Approve the continuation and funding of the One Tree Per Child project for two years (total £90K) as a suitable vehicle to deliver an expanded tree planting programme and to seek funding and planting partners.

Corporate Strategy alignment:

The recommendations will support Key Principles:

- Maximise opportunities to work with partners and other stakeholders locally, nationally and globally.
- Build city resilience, improving our ability to cope with environmental, economic or social 'shocks and stresses'.

The recommendations help deliver our Key Commitments:

- Improving our environment to ensure people enjoy cleaner air, cleaner streets and access to parks and green spaces.

City Benefits:

1. The proposal maintains and enhances the Council's approach to the responsible management of its trees and in so doing helps to significantly reduce the potential for harm to residents, visitors and property as a result of tree failures.
2. The proposal helps deliver an approach to increasing the city's tree canopy and in so doing delivering the

known benefits of trees in the urban environment – improving green infrastructure, making neighbourhoods greener, ameliorating the effects of climate change, improving air quality and enhancing wellbeing.

3. The proposal seeks to continue the council’s ambition to engage citizens in tree planting, encouraging greater pride in the city and bringing communities together.

Consultation Details:

1. The Council has begun engaging in with key stakeholders with regard to an approach to a Tree Strategy including the Forest of Avon, the Woodland Trust and the Tree Forum.
2. A draft of the Tree Strategy will be subject to public consultation.

Background Documents:

Corporate Risk Register - <https://democracy.bristol.gov.uk/documents/s31921/Corporate%20Risk%20Register.pdf>

Revenue Cost	Tree maintenance contract: £4m over 5 years (with potential for further £4m over a further 5 years) Additional tree inspection resource: c£84K over 2 years. One Tree Per Child extension: £90K over 2 years.	Source of Revenue Funding	Tree management CC11051. Current departmental budgets where unmanaged trees are located – Parks, Transport, Housing, Parking Services, Property Services. Current departmental budgets where unmanaged trees are located – Parks, Transport, Housing, Parking Services, Property Services. Current ‘One Tree Per Child’ budget.
Capital Cost	£	Source of Capital Funding	
One off cost <input type="checkbox"/> Ongoing cost <input checked="" type="checkbox"/> Saving Proposal <input type="checkbox"/> Income generation proposal <input type="checkbox"/>			

Required information to be completed by Financial/Legal/ICT/ HR partners:

1. Finance Advice: This report requests approval to procure a new tree management and tree maintenance contract to be effective from 1/4/2020 for a duration 5 years with the option to extend for a further 5 years. The current contract doesn’t cover all trees within the Council’s estate. It is estimated that to incorporate those trees which are currently unmanaged would cost an incremental £0.3m p.a. over the current contract’s budgeted £0.5m p.a. The revised cost would therefore total £0.8m p.a. (£4m per 5 years). No source has been specifically identified within the MTFP for this £0.3m p.a. increment which would be required for 20/21 onwards.

It is estimated that tree inspection, to guide the management and maintenance of those additional trees, would cost £0.047m per annum which would be incremental to relevant services’ existing budgets. Again capacity for this additional cost is not specifically identified within the current MTFP.

The report also request that the service consults on tree strategy. One aspect of this could include the option to extend the One Tree Per Child initiative at an estimated cost of £0.045m per annum for 20/21 onwards.

I confirm that the Parks Reserve (BX136) holds £90k uncommitted funding to cover a 2 year extension to the OTPC initiative.

Finance Business Partner: Jemma Prince. 30th April 2019

2. Legal Advice
Procurement

Unless an exemption is available, the tree management services contract must be procured via one of the procedures specified in the Public Contracts Regulations 2015 (the value of the contract is considerably over the threshold at which the regulations apply, £181k). The contract must include the relevant health and safety provisions.

Consultation

The consultation responses must be conscientiously taken into account in finalising the decision. The leading cases on consultation provide that

- Consultation should occur when proposals are at a formative stage;
- Consultations should give sufficient reasons for any proposal to permit intelligent consideration;
- Consultations should allow adequate time for consideration and response;

There must be clear evidence that the decision maker has considered the consultation responses, or a summary of them, before taking its decision.

- The degree of specificity regarding the consultation should be influenced by those who are being consulted;
- The demands of fairness are likely to be higher when the consultation relates to a decision which is likely to deprive someone of an existing benefit.

Equalities

The Public Sector Equality duty requires the decision maker to consider the need to promote equality for persons with “protected characteristics” and to have due regard to the need to i) eliminate discrimination, harassment, and victimisation; ii) advance equality of opportunity; and iii) foster good relations between persons who share a relevant protected characteristic and those who do not share it.

The Equalities Impact Check/Assessment is designed to assess whether there are any barriers in place that may prevent people with a protected characteristic using a service or benefiting from a policy. The decision maker must take into consideration the information in the check/assessment before taking the decision.

A decision can be made where there is a negative impact if it is clear that it is necessary, it is not possible to reduce or remove the negative impact by looking at alternatives and the means by which the aim of the decision is being implemented is both necessary and appropriate.

Legal Team Leader: Husinara Jones, Commercial and Governance Team, 29th May 2019

3. Implications on IT:

No ICT dependency for this project therefore our commentary is not required.

IT Team Leader:

Tracy Dodds, Insight and Design Manager, Digital Transformation, 3rd June 2019

4. HR Advice:

TUPE will apply if the contractor appointed is different from the existing contractor because it’s a service provision change. That will be a matter between the contractors, though the Council will wish to maintain oversight.

HR Partner: James Brereton (People & Culture Manager), 30th May 2019

EDM Sign-off	Colin Molton, Executive Director, Growth and Regeneration	10 th April 2019
Cabinet Member sign-off	Councillor Asher Craig, Deputy Mayor with responsibility for Communities	18 th April 2019
For Key Decisions - Mayor’s Office sign-off	Mayor’s Office	3 May 2019

Appendix A – Further essential background / detail on the proposal <i>Doc 1 – One Tree Per Child background and future proposal</i> <i>Doc 2 – Bristol Tree canopy and planting benefits</i>	YES
Appendix B – Details of consultation carried out - internal and external	NO
Appendix C – Summary of any engagement with scrutiny	NO
Appendix D – Risk assessment	YES

Appendix E – Equalities screening / impact assessment of proposal	YES
Appendix F – Eco-impact screening/ impact assessment of proposal.	YES
Appendix G – Financial Advice	NO
Appendix H – Legal Advice	NO
Appendix I – Exempt Information	NO
Appendix J – HR advice	NO
Appendix K – ICT	NO