

## Request to Approve Implementation of the Housing Services Tree Management Policy (Housing, Simon Allen)

### **Synopsis of report:**

**Runnymede Borough Council's Housing Service has identified that whilst departmental policies relating to Tree Management are in place, a policy specifically relating to Trees within Housing Services was required.**

**The Housing Services Tree Management Policy identifies what Housing Services need to do to ensure tree stocks are management effectively and in line with best industry practices.**

**The policy clearly identifies roles and responsibilities of staff at all levels of the Housing Service and at Senior Management level of Runnymede Borough Council.**

### **Recommendation:**

**Members are asked to approve the implementation of the Housing Services Tree management Policy, Appendix A.**

#### **1. Context of report**

- 1.1 The purpose of this document is to clearly communicate what the Council will do to ensure that our portfolio of trees is managed effectively, safely and adopt a best practice approach.
- 1.2 The Housing Service has produced this document to ensure those affected by our undertaking understand what the Council liabilities are and what works will be undertaken to proactively manage our tree stocks.
- 1.3 The policy clearly details what the Council are liable to maintain and provides clear text on tenants' responsibilities.
- 1.4 The policy takes a best practice approach and by doing so, confirms that we will map and zone our trees based upon their likelihood to cause damage or death. Given that the majority of trees located on HRA lands are likely to be close to houses and pathways, it is envisaged that Housing will have a higher proportion of trees needing cyclical annual surveys or bi-annual as opposed to every three to five years. Whilst this will clearly have a greater resource impact and an increased annual tree management budget, it is recommended to take this approach based upon managing and mitigating the Council's risks in a proactive manner.

#### **2. Housing Services Tree Management Policy**

- 2.1 Enclosed with this report is the draft Housing Services Tree Management Policy (Appendix A). This document was reviewed by the Housing and Enabling Member Working Party on 2 February 2022.
- 2.2 It is proposed that this policy will be implemented with immediate effect subject to approval by Housing Committee Members.

- 2.3 It is also proposed that once the Council has one overarching policy that covers all tree management aspects that this policy will cease, and Housing Services will adopt an approach that sits within the “one Council” approach.

### **3. Policy Framework Implications**

- 3.1 The Housing Services Tree Management Policy is one of a suite of policies that will link into the key Housing Services Health and Safety Policy
- 3.2 In addition to duties under the Health & Safety at Work Act (HSWA) there are a number of reasons why local authorities (as duty holders) and others may want to manage their tree stocks, for example responsibilities under other legislation and the risk of civil liabilities to:
- Prevent foreseeable personal injury caused by trees, for example from, uprooting or from falling limbs, from trips and falls on footways disturbed by tree roots, or from obscured sightlines on the highway.
  - Reduce the risk of property damage from subsidence, or from contact with trees and prevent damage to other third-party property for example vehicles.
  - Maintain stocks to preserve their amenity, conservation, and environmental value.
- 3.3 For these and other reasons, some duty holders may undertake inspection of trees beyond the reasonably practicable requirements of the HSWA.
- 3.4 Other legislation relevant to the management of trees includes, for example.
- The Occupiers' Liability Acts 1957 and 1984,
  - The Countryside and Rights of Way Act 2000 (CRoW),
  - The Wildlife and Countryside Act 1981,
  - As well as legislation relating to Sites of Special Scientific Interest, planning issues and Tree Preservation
- 3.5 This policy will help Housing Services to ensure the safety of staff, contractors, and residents.
- 3.6 This policy will assist Runnymede Borough Council in ensuring compliance with current legislative duties.

### **4. Resource implications (where applicable)**

- 4.1 It is practical to assume that once the policy is approved, the Housing Technical Services Team will need to undertake a full stock audit of the trees located on HRA lands. Once this has been completed, it will then be known the liabilities, tree inspection schedules and frequencies, which will then drive the level of resourcing needed. Once this has been achieved, a further report will come back to Housing Committee to provide further clarity.

### **5. Legal implications**

- 5.1 The authority's main duties in relation to the management of its trees, are owed to employees and members of the public under the Health and Safety

at Work Act 1974. The report, in paragraph 3, details other legislation, which imposes responsibilities on authorities concerning trees.

**6. Equality implications**

- 6.1 The Health and Safety at Work etc Act 1974 is statutory and, therefore, must be adhered to by all employers, employees, and contractors irrespective of any protected characteristics under the Equalities Act 2010.

**7. Environmental/Sustainability/Biodiversity implications**

- 7.1 The Council has an obligation as the landowner to manage its tree portfolio in a manner that reduces risks. Within the context of the policy, the Council will only remove trees that are decayed and or posing a serious detriment to property or persons. Therefore, by adopting a pragmatic approach this policy will retain the environmental and biodiversity characteristics of the open spaces in which trees are thriving and providing natural habits.

**8. Other implications**

- 8.1 Approval of this policy will give further assurance to the regulator for social housing and, also forms part of a limited assurance audit undertaken in late 2020.

**9. Conclusions**

- 9.1 Runnymede Borough Council's Housing Services Tree Management Policy will assist the department in reducing and mitigating our risks and ensuring that we actively manage our tree portfolio in line with industry standards.

(To Resolve)

**Background papers**

None