

## ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	<b>Meeting:</b>	<b>Cabinet Member for Culture and Tourism</b>
2.	<b>Date:</b>	<b>5<sup>th</sup> February, 2013</b>
3.	<b>Title:</b>	<b>Trees and Woodlands Budget Savings, 2013/14</b>
4.	<b>Programme Area:</b>	<b>Environment and Development Services</b>

### 5. Summary

This report seeks approval to reduce the budget for the Trees and Woodlands service by £70,000 such that it will become a reactive only service for the council's tree assets, in order to make savings needed to help meet available budgets for 2013/14.

### 6. Recommendations

6.1 That Cabinet Member approves the reduction in the Trees and Woodlands Service budget by £70,000.

## 7. Proposals and Details

2013/14 budget savings proposals for EDS include a reduction in the Trees & Woodlands service budget and a recommendation that it becomes a reactive only service. This is necessary to achieve a budget saving of £70,000.

The Council owns 80,000 individual trees (approximately) in highways, parks, open spaces, school grounds and the curtilage of Council house properties and 482 hectares of woodland with open access.

The associated legal responsibilities are as follows:

- Under Highways Acts the Council has a duty to ensure that public thoroughfares are safe for use. This relates specifically to trees within the highway, but it also has implications for anything on adjoining private land that could affect the highway.
- Under the Occupiers Liability Act 1957 and 1984 the Council has a duty to take care to ensure safety of visitors with regard to its trees in parks, woodlands, open spaces and around other Council properties.
- Under the Health and Safety at Work Act 1974, the Council is responsible for the health and safety of employees and others who may be affected by its undertakings, including the care and maintenance of trees.
- As a last resort the Council may be served notice to exercise its discretionary powers under section 23 of the Local Government (Miscellaneous Provisions) Act 1976, in respect of other unsafe trees on private property.
- Precedents established in the courts indicate an expectation that land owners and their managers, which includes local councils, will act responsibly and inspect their trees regularly.

Responsibility for Council-owned trees, including budgetary provision, tree inspection and maintenance rests with individual Directors. The exception is trees in school grounds, which are under the control of each Head Teacher. The Council currently manages its trees and woodlands through the Trees and Woodlands team within Streetpride, who act as the Authority's principal source of advice on trees and woodlands, and who assist and support Service Directors and Head Teachers.

Tree works are undertaken on behalf of the Council through a contract with Glendale Countryside Ltd, managed by the Trees and Woodlands team. The contract started in 2010 and runs until December 2014. The value of works undertaken through this contract can vary from year to year depending on the extent of works required, for example due to extreme weather events. However, the contract conditions state that subject to the Contractor's performance being satisfactory and the Council not being subject to an event of Force Majeure, the anticipated minimum amount that the Council will spend under the contract in each financial year will be £118,000

The Trees and Woodland team currently comprises four officers (a Team Leader, Senior Officer and two Tree Officers) based within the Leisure and Community Services section.

The main risks connected with trees include death and injury from failure of poorly maintained trees, damage to property due to tree roots and overhanging branches, loss of grant income due to failure to manage woodlands to the required standards, complaints and reputational damage.

The current main functions of the team along with the proposed change of emphasis / priorities to deliver the necessary budget savings are identified below:-

Current Functions (2012/13)	Proposed functions (2013/14)
Responding to contacts from customers and elected members and, where necessary, undertaking inspections, specifying and monitoring works to trees. In 2012 there were 680 contacts leading to 629 inspections.	Continue
Undertaking planned inspections and instructing and monitoring planned maintenance works to trees in highways and public open spaces.	Significantly reduce
Responding to requests for assistance from external bodies including Parish Councils, schools etc, leading to inspection, specification and monitoring of works to trees.	Continue
Supporting Planning Dept (Development Control) on applications affecting existing trees (approximately 200 per year), or where new tree planting is required, and making Tree Preservation Orders (approximately 10 - 20 per year).	Reduce
Management of all Council-owned woodland, including inspection, specifying and monitoring maintenance works, preparation and implementation of management plans, securing external funding, and procuring and administering works contracts.	Significantly reduce
Managing the Glendale tree works contract.	Continue

These proposed changes will result in the following:

- a. Possible loss of one FTE officer post
- b. Reduced budget for contract works
- c. Reduced budget for woodland maintenance
- d. Reduced other miscellaneous operational budgets

The total cash saving arising from these proposals would be £70,000.

It is also important to note that these changes will mean that the team will not have the capacity to deliver a previously agreed budget saving proposal to reduce net spend by increasing income through work for external bodies by £5,000 It is therefore suggested that a net saving of £65,000 should be sought.

**The proposed change to focusing on reactive works is considered a high-risk approach for the Council. Details of the principal risks are given in section 9 below.**

**Consultation:**

Appropriate consultation will be carried out with Unions and staff.

**8. Finance**

The projected saving from the above proposal is estimated at £65,000. This assumes that current levels of income from work for Parish Councils, schools and other service departments are maintained. However, this may be difficult to achieve with a reduced team size.

The saving would contribute to overall savings that need to be made by the Council in the light of reduced funding from central government.

**9. Risks and Uncertainties**

Any reduction in the level of planned inspection and maintenance of trees in public places will lead to increased rate of undetected tree weakness and associated risk of catastrophic failure that can lead to death, injury and damage to property, which in turn could lead to criminal prosecution under any of the legal provisions listed in section 7 above.

Officers in Insurance Services have advised that regular inspection and maintenance regimes make it possible for the Council to prepare strong defences of claims and, in the vast majority of cases, to repudiate claims. In addition they advise that any deterioration in claims experience could potentially have a negative impact on the premiums that the Council has to pay.

Reduction in the amount spent on the tree works contract could lead Glendale Countryside Ltd to seek an above inflation increase in their rates or even termination of the contract on the basis that the total value of work available would fall below the level indicated in the original contract. The current contract rates are seen as being extremely competitive and beneficial to the Council. However, Legal Services have advised that under clause 47 of the contract the Council does have the right to reduce the services required; upon serving reasonable notice upon the Contractor.

A reduction in officer time and spend on management and maintenance of woodlands will increase the risk of tree failure, with associated health and safety risks, as well as increasing the risk of withdrawal of grants by Forestry Commission and others.

Reduced time spent on dealing with Planning consultations will increase the risk that the Council will fail to fulfil its statutory planning function, more planning appeals with associated costs, and reduced protection of trees at risk. In the majority of cases the advise / expertise would still be required and therefore it may be necessary for

consultants to be used, if the advice cannot be provided in house, which is likely to be a considerably higher cost to the Council than providing it in house.

All the above impacts bring with them increased risk of complaints and reputational damage for the Council, a degraded urban environment, reduced quality of life, and increased impacts from air pollution, climate change and extreme weather events.

As mentioned in the Finance section above, reduction in the size of the Trees and Woodlands team will also make it more difficult to achieve current income targets, and this could ultimately increase pressure on budgets.

## **10. Policy and Performance Agenda Implications**

The proposal has the potential to have a negative impact on Council's stated vision in respect of 'helping to create and safe communities' and 'improving the environment', and in terms of the following statements relating to 'what we want to achieve':

- People enjoy parks, green spaces, sport, leisure and cultural services
- Rotherham is prepared for present and future climate change
- Safer and well-maintained roads
- Reduced CO<sub>2</sub> emissions and lower levels of pollution.

## **11. Background Papers and Consultation**

Officers in Financial, Legal, Planning and Insurance Services have seen the report and had the opportunity to comment.

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