

**MINUTES OF A MEETING OF THE ENVIRONMENT CAPITAL SCRUTINY COMMITTEE  
HELD IN THE BOURGES/VIERSEN ROOM - TOWN HALL ON 10 JUNE 2010**

**Present:** Councillors D Day (Chairman), N Arculus (Vice-Chairman), N North, B Rush, D Morley and N Sandford

**Officers Present:** Paul Phillipson, Executive Director of Operations  
Mike Heath, Commercial Services Director  
Claire Boyd, Senior Lawyer - Contracts and Procurement  
Louise Tyers, Scrutiny Manager

**1. Apologies for Absence**

An apology for absence was received from Councillor Judy Fox and Councillor Ash was acting as substitute.

**2. Declarations of Interest and Whipping Declarations**

There were no declarations of interest.

**3. Minutes of the Meeting held on 11 March 2010**

As only one Member who was present at the last meeting was at this meeting for this item, approval of the minutes was deferred until the next meeting.

**4. Call In of any Cabinet, Cabinet Member or Key Officer Decisions**

There were no requests for call-in to consider.

**5. Response to Recommendations Made by the Committee**

The Committee considered the responses made by the Executive to recommendations made in relation to the Christmas Park and Ride Service.

**ACTION AGREED**

To note the responses to the recommendations made.

**6. Tree Pollarding**

In accordance with the Council's Constitution, Councillor Sandford had requested that this item was placed on the agenda for this meeting. Councillor Sandford advised that following discussions by the then Environment Select Panel and Cabinet a decision had been made a number of years ago to introduce a biennial pollarding programme which would be completed by late February each year so to avoid the bird nesting season.

Councillor Sandford made the following points:

- Pollarding had been undertaken during the spring this year and this was against the Council's policy.
- A limited amount of pollarding had been carried out in his ward without the Ward Councillors being consulted.

- It was accepted woodland management practice that trees could be pollarded once every 10 years.
- Once trees were pollarded they had to be continued.
- Trees would not become unsafe if pollarding was not done every two years.
- Was it economically sensible to undertake pollarding every two years and should funding be invested more in the maintenance of all trees?
- If work could not be completed by mid-March then it should be discontinued and resumed in the autumn.

In response the Commercial Services Director, made the following points:

- There were 503 trees which were pollarded in the City and with a small number of exceptions these were all lime trees.
- The trees were dealt with on a biannual basis in accordance with the previous decision.
- Pollarding ensured that the structure of the tree at the crown maintained its strength and integrity during high winds and did not shed young branches and secondary growth.
- Officers had planned to complete the pollarding programme by mid-March, however this year there had been considerable snowfall along with a sustained period of low temperatures between January and March. This had meant that the tree work could not be undertaken without risking damage to the individual pollards.
- Working in those weather conditions would also have been extremely hazardous for the employees undertaking the work. For this reason the pollarding could not be started in time and was later than normal.
- Prior to working on the trees all were inspected for signs of active/nesting birds. During the work six trees had been identified as having active nests in them and these were left until the young pigeons which were nesting had fledged.
- The current balance of work was that two thirds of trees were dealt with in one year and one third in the second. Action was now being taken to resolve this and to ensure that a more balanced programme was introduced which would give the contractor undertaking the work a more realistic opportunity to complete the work during weather which was suitable.
- With regards to consultation, the Trees and Woodlands Strategy stated that consultation would only be undertaken on major tree work. As pollarding was a regular programmed element of work it did not meet the criteria for consultation.
- The Director could not dispute that pollarding had taken place out of season but to have undertaken the work would have put the trees and operatives at risk.
- The City had around 14,000 street trees which were regularly inspected by a full time and a part time officer.

Observations and questions were raised around the following areas:

- What was the frequency of the tree inspections? *There was no set frequency for inspections but risk assessments were undertaken on the trees. Officers looked to inspect a minimum of every four years but some trees may be inspected more frequently. Due to limited resources the priority was to those trees where there was likely to be damage.*
- Tree maintenance in urban areas was a big issue and it was vital to get it right. Could officers let ward councillors know of the streets where trees were maintained regularly?
- Do trees have to be pollarded every two years? *Pollarding could be undertaken in longer periods but there would be more insurance risks especially during high winds.*
- What evidence was there to show that there would be significant insurance risks with a longer regime? *There was more chance of branches being pulled out. We had a*

*duty of responsibility and would have to show that we had taken reasonable steps to maintain the trees if there were any claims.*

- How much difference would there be in the growth of a tree if it was left for between two and three years? Could we leave a sample of trees for 3-4 years to look at what happened to the growth of the trees and to see if a longer regime was reasonable?

## **RECOMMENDATIONS**

That it is recommended to the relevant Cabinet Member that pollarded trees in one or two streets should be left for 3-4 years to see if a longer maintenance regime was reasonable compared to the current two years programme.

### **7. Review of 2009/10 and Work Programme 2010/11**

The report provided the Committee with a review of the work undertaken during 2009/10 and the draft work programme for 2010/11. The Committee were asked to consider their work from last year and to decide on any items they wished to continue to monitor this year. The Committee were also asked to develop their work programme for the coming year.

#### Review of the Last Year

During the last year, the Committee considered the following issues:

- Bus Service Review
- Christmas Park and Ride
- Draft Local Transport Plan Capital Programme
- Environmental Enforcement and Education
- Floods and Water Management Bill
- Progress on the Delivery of the LAA Priority
- Progress on the Environment Capital Portfolio
- Refresh of the Local Area Agreement
- Response to Adverse Weather Conditions
- Review of the Biodiversity Strategy
- Scrutiny of the Budget and Medium Term Financial Plan

The Committee asked to receive an update on the development of the proposals for this year's Christmas Park and Ride service.

Councillor Sandford advised that he had previously raised an issue around adverse weather conditions with Legal Services in relation to individuals clearing paths around their properties and the risk of being sued by anyone who injured themselves by slipping. Was the risk of being sued hypothetical or based on actual legislation?

The Legal Officer agreed to take the question back to colleagues to get a response for Councillor Sandford.

#### Work Programme for 2010/11

The Committee asked for a report on the implications for environment and transport services of the Lot 3 procurement for City Services.

Councillor Sandford advised that the Trees and Woodlands Strategy had not been brought back to the Committee following its consideration by a working group a number of years ago. The issue had been raised at a meeting of Full Council in October 2009 but it still had not been brought back. The Open Spaces Strategy was also in the same position.

The Commercial Services Director advised that three policies – Trees and Woodland Strategy, Open Spaces Strategy and the Playing Fields Strategy were currently being developed and would go out for consultation together. He hoped to bring the draft Strategies to this meeting in September prior to them going out for public consultation. There was a need to ensure that the policies did not conflict with each other.

#### **ACTIONS AGREED**

- (i) Officers to provide a response to Councillor Sandford on the legal position around the public clearing the footpaths around their properties during adverse weather.
- (ii) The following items to be added to the work programme:
  - Christmas Park and Ride Service 2010
  - Implications for environment and transport on the Lot 3 procurement
  - Consultation on the Trees and Woodland Strategy, Open Spaces Strategy and Playing Fields Strategy.

#### **8. Forward Plan of Key Decisions**

The latest version of the Forward Plan, showing details of the key decisions that the Leader of the Council believed the Cabinet or individual Cabinet Members would be making over the next four months, was received.

#### **ACTION AGREED**

To note the latest version of the Forward Plan.

#### **9. Date of Next Meeting**

Thursday 15 July 2010 at 7pm.

CHAIRMAN  
7.00 - 7.52 pm