

 Overview and Scrutiny 11 October 2011		Agenda Item No.
Title	Update on joint member working party examination of tree maintenance	
For further information about this report please contact	Ian Coker	
Wards of the District directly affected	All	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number		
Background Papers		

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	Yes
Equality & Sustainability Impact Assessment Undertaken	No (If No state why below)

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive		
Head of Service		
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)		
Consultation & Community Engagement		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		

1. **SUMMARY**

- 1.1 Members of the Overview and Scrutiny Committee undertook an examination of tree maintenance back in 2009 which resulted in a report being sent to the Executive in January 2010.
- 1.2 That report included a number of recommendations including the formation of a Joint Member Working Group with WCC to look at how the management and maintenance of trees on the highway and within our parks and open spaces would be best arranged. Alongside these two recommendations were other recommendations which were more specific actions for WDC to take. See 7.2 – 7.6.
- 1.3 This report seeks to update members on progress and other issues which now need to be considered.

2. **RECOMMENDATION**

- 2.1 That meetings of the WDC / WCC joint member group set up to look at the introduction of a proactive cyclical maintenance regime and phased planting programme is halted whilst the contract re-let takes place and reconvened once the tender cost of providing the service is known in April 2012.
- 2.2 That the WDC joint member group concludes its work relating to the recommendations that relate to actions identified in their report via a meeting before the end of 2011 to review those recommendations.

3. **REASONS FOR THE RECOMMENDATION**

- 3.1 Given the financial position both authorities find themselves there is little scope to increase investment in tree maintenance or planting. WCC have made it very clear there is no more money to increase the resource available to deal with tree maintenance nor are they looking to fund the replacement of highway trees.
- 3.2 Most of the recommendations which are deliverable have been achieved. A final meeting to sign these off should therefore take place. Details of progress on the WDC actions are set out in 7.8 – 7.11.

4. **POLICY FRAMEWORK**

- 4.1 **Policy Framework** – there is no impact on the policy framework of these recommendations.
- 4.2 **Fit for the Future.** The report highlights the difficult issues that this council is faced with as a result of the need to make the financial savings needed whilst seeking to improve services to the customer.

It is likely that if WCC are not able to fund this work then the service will be handed back to WCC. It is possible that the service provided by WCC will not be delivered to the same standard as it is now. See 7.5 / 7.7.

Members may wish to take account of the likely feedback from constituents that will result from the service being provided for highway grass and highway trees across the district being handed back to WCC.

5. **BUDGETARY FRAMEWORK**

- 5.1 Any changes to the maintenance programme for trees or the planting of new trees will have budgetary implications.
- 5.2 Members of the WDC Member Working Group looking at the contract re-let have agreed that WDC will not subsidise WCC for any highway activity it carries out on behalf of WCC. As a result there would be a saving to the WDC budget of £xxk. This saving cannot be confirmed until after the tenders have been received and discussions with WCC have taken place.
- 5.3 WCC has indicated they have no more revenue money available to put towards the maintenance or planting of trees. As a result it is likely that the service would be handed back to WCC.
- 5.4 If additional work was identified by the working party it would increase the Council budget for maintaining trees.

6. **ALTERNATIVE OPTION(S) CONSIDERED**

- 6.1 The alternative option is for WDC to fund the additional works required to deliver a phased programme of highway tree maintenance and planting. This has been discounted on the basis that the member working group has concluded that the County Council be expected to fund this work not the District Council.
- 6.2 Not to provide the service to the County Council if they do not fund the new contract cost. Members will be able to consider the impact on the service of WCC delivering these services from April 2013 from early in 2012 when the tender prices have been returned. It is hoped that WCC will be in a position to fund this work so removing the possibility of WDC handing back those services to WCC.

7. **BACKGROUND**

- 7.1 Three meetings of the Joint Member Group took place alongside the initial discussions with WCC over how the management and maintenance of trees should be organised when the existing Grounds Maintenance contract is re-let. It was soon clear that there was a lack of clarity on how the costs of tree maintenance were apportioned between WDC and WCC. WDC member's view was that WCC should pay WDC the full cost of maintaining the highway trees plus a management fee. Officers at WCC have made it clear that they can only afford to pay WDC what they currently pay for the delivery of the service.
- 7.2 A separate WDC Joint Member Group looking at the contract re-let has been set up. That working party has looked at all aspects of the contract re-let including tree maintenance. Given the lack of clarity which currently exists over funding it was agreed that WDC would ask WCC to provide WDC with the specification for the four elements of the contract they wished WDC to provide.
- 7.3 The planning committee be requested to investigate additional planning conditions so new developments are surrounded by trees. Action – this is already considered by the planning committee.

- 7.4 As a result all the aspects of the highway contract could be put together as one lot so that it is transparent the costs which WCC are expected to pay WDC to carry out the work. Regretfully WCC have not provided WDC with that information requested and as a result WDC has had to use the current specification to create the new tender documents.
- 7.5 As soon as the tenders have been returned in early 2012 WDC will inform WCC the cost of delivering those services. If WCC are not prepared to pay WDC that fee including a management fee or around 10% WDC will pass back those services including tree maintenance to WCC to operate from April 2013.
- 7.6 As we have not received the specification from WCC relating to the level of service they want delivered it is impossible to estimate the impact this will have. However members should be made aware that the specification we are using for highway grass cutting is 5 cuts a year compared to the 12 cuts currently provided by the current contract.
- 7.7 The expectation is that if WDC was not responsible for the maintenance of highway trees we will be able to spend more time dealing with our own trees which should result in an improved level of service to the customer.

Progress on the actions identified in the O&S report that WDC will deliver are detailed below.

- 7.8 Recommendation 3 – WDC finds resources for a planned programme of planting new trees of suitable species on WDC land. Action -
- 7.9 Recommendation 4 - Town Council are contacted to use some of their precept to plant new trees. Action – Kenilworth, Leamington and Whitnash Town Councils were contacted. Feedback indicated there was funding available to support such a programme. Leamington Town Council continues to support a tree planting programme.
- 7.10 Recommendation 5 – Investigations are made to recruit volunteer tree wardens. Action – there are now 40 tree wardens who are affiliated to The Tree Council. Regular dialogue takes place with the Arboriculture Officer who attends their meetings.
- 7.11 Investigations are made into whether householders should be permitted to remove branches from WCC owned trees. Action – WCC have confirmed this is permissible in limited circumstance.