

# Public Document Pack

## Executive Member Decisions

Friday, 19th October, 2018

Time Not Specified

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### AGENDA

1. **Affordable Warmth Grant**  
**EMD-Affordable Warmth Grants V4** 2 - 17  
**Appendices - 1&2**  
**EIA Checklist - Affordable Warmth Grant**
  
2. **Highway Tree Strategy**  
**EMD - Highway Trees Strategy** 18 - 34  
**Highway Trees Strategy Policy**  
**EIA Checklist - Highway Trees Strategy**

Date Published: 19<sup>th</sup> October 2018  
Harry Catherall, Chief Executive



vulnerable tenants have protection that properties meet minimum standard including home energy efficiency.

- 3.4 However vulnerable owner occupiers are directly responsible for heating their property and many struggle with fuel poverty, having inadequate heating and/or insulation. The government's Energy Company Obligation (ECO) scheme provides funding for home energy measures for those in fuel poverty but there have been significant cuts in both the level and scale of ECO in recent years putting more vulnerable households at risk.
- 3.5 In addition government periodically provides opportunities to bid for funding for home energy measures, but this is on a competitive basis with limited funding available and there is no guarantee a bid will succeed. The Borough has just completed the Lancashire wide (first time) Central Heating Fund assisting many vulnerable households, and it was hoped that this would be sustained via round 1 of the Warm Homes Fund but unfortunately this bid was unsuccessful.
- 3.6 Up to April 2017, Public Health provided a small amount of emergency home energy funding via 'Warm Homes Healthy People' but as a result of the cuts in housing services this funding was reallocated to support the recommissioned vulnerable people support service provided by Care Network and the Council's Home Energy Officer.
- 3.7 Small amounts of charitable funding can be bid for to help vulnerable people with emergency boilers etc but again there is no guarantee of success, bids can take a while to be considered and amounts are small.
- 3.8 It follows from the above that there is a gap in providing help to vulnerable households needing assistance with heating / insulation. All the District Councils in Lancashire provide an Affordable Warmth Grant co-ordinated and funded by Lancashire Public Health and Blackpool Council provide a similar scheme.

#### **4. KEY ISSUES & RISKS**

- 4.1 Absence of adequate heating can have a massive impact on vulnerable people with long term conditions, leading to hospital admission and death –see a couple of case studies of vulnerable people at Appendix 1.
- 4.2 We regularly receive referrals via Cosy Homes in Lancashire (CHiL - a countywide energy efficiency and affordable warmth partnership) to top up ECO funding for boiler replacements, but as we have no funding for this, we must decline and therefore a household remains without adequate heating in fuel poverty.
- 4.3 It is proposed to introduce an Affordable Warmth Grant. Proposed household eligibility and eligible works are attached at Appendix 2. Broadly it is proposed that vulnerable owner occupier households who are at significant risk of ill health are eligible for a range of heating and draught proofing measures. Landlords have the responsibility for provision of adequate heating, but rented households may exceptionally be eligible if prioritised by a relevant professional.
- 4.4 There is a potential risk that we may not be able to meet the demand for the grant, however our previous experience of managing a similar grant under the Warm Homes Healthy People fund shows that demand is manageable, and similarly the Lancashire Affordable Warmth Grant scheme has managed demand. It should also be noted that the Grant will be part funded by ECO and Charitable contributions.
- 4.4 It is proposed that the new Grant is funded from the surplus from the Central Heating Fund (CHF) as we are unable to pay for several CHF Grants delivered by the energy company SSE because

of the unsatisfactory administration. SSE have accepted that they failed to administer the paperwork correctly and that they are liable for the funding of these grants. £20,347 surplus CHF funding is available.

4.5 In addition the Council already has £23,000 funding that is available in the council's housing growth capital programme allocated for energy saving purposes. It is proposed that this money also be included to fund these Affordable Warmth Grants.

4.5 Given the limited size of this pot there is a potential issue with sustainability of the proposed Affordable Warmth Grant. Funding to Local Authorities via the Lancashire Affordable Warmth scheme which covers all Lancashire Local authorities except the two unitary authorities varies from £25k to £70k. Blackpool spends £70k on a similar scheme. However the Lancashire scheme includes insulation which will initially be excluded from our scheme as the priority is to get proper heating in the property and address significant draught proofing issues. On this basis it is considered that the funding will last for one year after which further Public Health funding is being sought.

## **5. POLICY IMPLICATIONS**

5.1 The Health and Well Being Review is prioritising housing interventions to improve health and there is a comprehensive public health service specification under Social Determinants of Health for all housing services to contribute to health outcomes.

5.2 Home Energy measures are a key component of the Corporate Plan Objective to Improve Housing Quality, and the associated KPI to remove hazards from properties.

## **6. FINANCIAL IMPLICATIONS**

6.1 The surplus Central Heating Fund monies of £20,347 will be ring fenced for the proposed Affordable Warmth Grant.

6.2 The £23,000 available in the council's housing growth capital programme allocated for energy saving purposes will also be included to fund these Affordable Warmth Grants.

6.3 The total fund is £43,347 which will be administered by the Housing Standards team. The Eligibility criteria are set out in Appendix 2. The referrals for this fund will be received from CHiL using their application forms.

6.4 Further funding will need to be sought in the future to continue with delivery of the Grant or the scheme will have to be dissolved.

## **7. LEGAL IMPLICATIONS**

7.1 SSE have confirmed that they have no claim on the surplus CHF monies.

7.2 The Memorandum of Understanding for CHF between the Council and Government states that 'In the event that the Authority does not use all the Grant to secure delivery of the Proposal... the Parties will work together to agree how the Authority will spend any unspent Grant funding in line with the objectives of the Central Heating Fund...(para' 30a). Government have now confirmed that they approve the proposed use of surplus Grant. If it is not used in this way it will need to be repaid to the Government.

**8. RESOURCE IMPLICATIONS**

8.1 The proposal can be delivered within existing resources, subject to future funding of the Home Energy Officer being agreed in the budget process.

**9. EQUALITY AND HEALTH IMPLICATIONS**

**Please select one of the options below. Where appropriate please include the hyperlink to the EIA.**

Option 1  Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2  In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision.

Option 3  In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. *(insert EIA attachment)*

**10. CONSULTATIONS**

10.1 There have been consultations with the Lancashire CHiL Operational Group.

**11. STATEMENT OF COMPLIANCE**

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

**12. DECLARATION OF INTEREST**

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded and published if applicable.

<b>VERSION:</b>	<b>3</b>
<b>CONTACT OFFICER:</b>	<b>S. MacAlister ext' 8899</b>
<b>DATE:</b>	
<b>BACKGROUND PAPER:</b>	

## **APPENDIX 1: CASE STUDIES**

### **Case 1**

Mr and Mrs X live in an end terraced property which they own. Both are retired and receive State Pension Credit. They have only a small amount of savings. Mr X suffers from Spondylitis and COPD. Mrs X has anxiety.

The boiler in the property has broken down and is uneconomical to repair, due to its age, the parts are no longer available. The boiler is also no longer energy efficient.

Mr X has already been admitted to hospital twice in the last year and there is a strong possibility that without heating and no hot water his COPD will be exacerbated and he would need to be re-admitted to hospital

Mr and Mrs X do not meet the criteria for ECO funding as they are not in receipt of the relevant means tested benefits. However as they have low income, receive Council Tax discount and have a diagnosed Health Condition they would qualify for the ECO Flexibility funding.

Client has already had a survey of the property and the shortfall in funding (due to the low levels of ECO funding) is £1600 including VAT. Mr and Mrs X cannot afford this shortfall.

### **Case 2**

Mrs Y lives on her own in a mid-terraced property. She is on a means tested benefit, Employment Support Allowance. Mrs Y has no savings. Mrs Y has severe arthritis, mobility problems and has had Cancer. She has regular outpatient health care. Without heating and hot water it is likely that Mrs Y's health conditions will be exacerbated.

Mrs Y had a boiler fitted approximately 7 years ago under the Government's Warm Front Scheme. This has now broken down. Mrs Y has had qualified boiler engineers to look at the boiler and all have said that it is uneconomical to repair.

Mrs Y cannot access ECO funding because of the recent Warm Front installation. ECO funding policy does not allow for boiler replacement funding if the boiler is less than 10 years old. The cost of a new installation would be £1,950 + VAT. Mrs Y cannot afford to pay for the replacement boiler.

## APPENDIX 2: ELIGIBILITY

**Eligibility** is in line with that recently agreed for the Lancashire Statement of Intent for ECO Flexible Eligibility.

**Households will be eligible for funding if they meet at least one of the following vulnerabilities and have a low income, defined as follows.**

### Vulnerabilities:

- people with a diagnosed cardiovascular conditions
- people with a diagnosed respiratory conditions (in particular, chronic obstructive pulmonary disease and childhood asthma)
- people with diagnosed mental health conditions
- people with diagnosed disabilities
- older people (65 and older)
- households with young children (up to the age of 5)
- pregnant women
- people who are terminally ill
- people with suppressed immune systems (e.g. from cancer treatment or HIV)
- people who have mobility issues and have attended hospital due to a fall

The following vulnerable groups will be considered on referral from a professional organisation

- people who move in and out of homelessness
- people with addictions
- Recent immigrants and refugees.

### Low income

Low income can be confirmed in one of the following three ways:

- Someone being in receipt of means tested benefits
- The CSE fuel poverty calculator being completed – £1,000 can be deducted from annual household income to take account of additional costs experienced by vulnerable households (e.g. medical treatments / equipment, higher energy use, transport to appointments etc.)

NB – the fuel poverty calculator should be completed where an individual household is receiving an award of more than £1,000. This is to provide additional assurance that the individual is in need.

- A 'declaration' by the Local Authority or health / social care professional that affordability issues are present.

Local Authorities will be expected to provide interventions for all groups listed above where an affordable warmth need has been identified. Local Authorities will need to manage demand to direct the resource at those most in need. Local Authorities may choose not to open up all categories to self-referrals, instead restricting interventions for some groups to referrals from social care, and health partners or where their own service has identified a health and affordability vulnerability.

Where possible Local Authorities are expected to be flexible with regards to responding to referrals from health and social care.

Confirmation of what the health and affordability need is should be recorded in the monitoring returns, any evidence should be retained locally.

## **Interventions**

The funding available is directed at interventions that make a long term contribution to helping people keep their homes warm through physical improvements in the home that help improve thermal comfort and efficiency.

This includes:

- Servicing, repairs and replacement boilers and heating systems and associated works, including controls
- Repairs to and new radiators and radiator reflectors
- Gas fire services and repairs
- Draught proofing measures – windows, doors, loft hatches, electrical fittings on walls and ceilings, suspended floorboards, pipework leading outside, ceiling-to-wall joints. Thermal blinds and carpets may be included as draught proofing measures in appropriate circumstances where other long-term measures have been considered and the thermal benefit can be demonstrated – details for inclusion must be provided in the monitoring.
- Glazing improvements if there are severe draught issues

**The most appropriate funding sources for all interventions should be considered, it is expected that additional or alternative sources of funding are sought wherever possible, including any available ECO (standard ECO or ECO Flex) funding, to ensure this fund can go as far as possible. It can also be matched with any other funding sources secured by the Lancashire Energy**



**Officers Group for Lancashire-wide schemes or funding secured locally by delivery partners.**

An award limit per household has not been set to allow discretion based on need. Measures can be fully funded (in the case of any match funding not being available) or a contribution towards costs made at a level deemed appropriate.

**Tenure**

Targeting is focused on owner occupied housing. In the case of private rented and social housing, interventions / contributions from the landlord / other partners should be sought in the first instance but funding may be considered if there is a professional referral or in exceptional circumstances.

<b>Name of the activity being assessed</b>	Affordable Warmth Grant		
<b>Directorate / Department</b>	Environment and Leisure	<b>Service</b>	Housing Standards
<b>Assessment Author</b>	Sally MacAlister		
<b>Is this a new or existing activity?</b>	<input checked="" type="checkbox"/> New <input type="checkbox"/> Existing	<b>Responsible manager / director for the assessment</b>	Martin Eden/Sayyed Osman
<b>Date EIA started</b>	07/05/2018	<b>Implementation date of the activity</b>	05/07/2018

**SECTION 1 - ABOUT YOUR ACTIVITY**

<p><b>How was the need for this activity identified?</b>          Why are we doing this activity?</p>	<p>Excess Cold is by far the most widespread hazard identified under the statutory Housing Health and Safety Rating System, a risk-based evaluation tool designed to help local authorities identify and protect against potential risks and hazards to health and safety from any deficiencies identified in dwellings. It was introduced under the Housing Act 2004 and applies to residential properties in England and Wales.</p> <p>Vulnerable people, particularly the elderly with health conditions, are at serious risk of hospital admission and death if they have inadequate heating, especially in winter. However, vulnerable owner-occupiers may be in fuel poverty and not be in a position to pay for the improvements necessary to maintain a warm home</p> <p>The borough has a large number of properties in poor condition and many vulnerable residents. Existing funding sources, such as the government's Energy Company Obligation (ECO), are insufficient to meet need.</p> <p>There is a gap in funding provision that this fund is intended to cover for a period of one year.</p>
<p><b>What is the activity looking to achieve?</b></p> <p><b>What are the aims and objectives?</b></p>	<p>An Affordable Warmth Grant is proposed to help provide heating and draught proofing for vulnerable individuals, funded via surplus money from the Central Heating Fund. The fund is aimed at vulnerable owner-occupiers in the Borough whose homes are inadequately heated.</p> <p>Eligibility is in line with that agreed for the Lancashire Statement of Intent for ECO Flexible Eligibility, which defines vulnerabilities and low income for the purposes of assistance.</p> <p>The funding available is directed at interventions that make a long term contribution to helping people keep their homes warm through physical improvements in the home that help improve thermal comfort and efficiency.</p> <p>The target is vulnerable owner-occupiers as landlords are responsible for provision of adequate heating in the rented sector and regulatory standards mean that properties are generally in a better condition. Funding for rented properties may, however, be considered if there is a professional referral or in exceptional circumstances.</p>

<b>Services currently provided</b> (if applicable)	The small emergency home energy fund 'Warm Homes Healthy People', came to an end in April 2017.
<b>Type of activity</b>	<input type="checkbox"/> Budget changes <input type="checkbox"/> Change to existing activity <input type="checkbox"/> Decommissioning <input type="checkbox"/> Commissioning <input type="checkbox"/> New activity <input checked="" type="checkbox"/> Other - Grant fund

**SECTION 2 - UNDERSTANDING YOUR CUSTOMER****What resources will support in undertaking the equality analysis and impact assessment?**

*Please identify additional sources of information you have used to complete the EIA, e.g. reports; journals; legislation etc.*

Housing Health and Safety Rating System  
Lancashire Statement of Intent for ECO Flexible Eligibility  
Annual Report of the Director of Public Health 2016/17

**Who are you consulting with? How are you consulting with them? (Please insert any information around surveys and consultations undertaken)**

Lancashire CHiL (Cosy Homes in Lancashire) Operational Group  
Public Health  
Government – on use of the excess Central Heating Fund monies

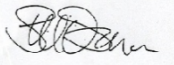

<b>Who does the activity impact upon?*</b>	Service users	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Indirectly			
	Members of staff	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Indirectly			
	General public	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Indirectly			
	Carers or families	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Indirectly			
	Partner organisations	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Indirectly			
<b>Does the activity impact positively or negatively on any of the protected characteristics as stated within the Equality Act (2010)?*</b>  <b>The groups in blue are not protected characteristics (please refer to p. 3 of the guidance notes)</b>	Positive impact	<input checked="" type="checkbox"/> Age	<input checked="" type="checkbox"/> Disability	<input type="checkbox"/> Gender reassignment	<input type="checkbox"/> Marriage & Civil Partnership	<input checked="" type="checkbox"/> Pregnancy & maternity	<input checked="" type="checkbox"/> <b>Vulnerable groups</b>
		<input type="checkbox"/> Race	<input type="checkbox"/> Religion or belief	<input type="checkbox"/> Sex	<input type="checkbox"/> Sexual orientation	<input checked="" type="checkbox"/> <b>Deprived communities</b>	<input type="checkbox"/> <b>Carers</b>
	Negative impact	<input type="checkbox"/> Age	<input type="checkbox"/> Disability	<input type="checkbox"/> Gender reassignment	<input type="checkbox"/> Marriage & Civil Partnership	<input type="checkbox"/> Pregnancy & maternity	<input type="checkbox"/> <b>Vulnerable groups</b>
		<input type="checkbox"/> Race	<input type="checkbox"/> Religion or belief	<input type="checkbox"/> Sex	<input type="checkbox"/> Sexual orientation	<input type="checkbox"/> <b>Deprived communities</b>	<input type="checkbox"/> <b>Carers</b>
	No impact	<input type="checkbox"/> Age	<input type="checkbox"/> Disability	<input checked="" type="checkbox"/> Gender reassignment	<input checked="" type="checkbox"/> Marriage & Civil Partnership	<input type="checkbox"/> Pregnancy & maternity	<input type="checkbox"/> <b>Vulnerable groups</b>
		<input checked="" type="checkbox"/> Race	<input checked="" type="checkbox"/> Religion or belief	<input checked="" type="checkbox"/> Sex	<input checked="" type="checkbox"/> Sexual orientation	<input type="checkbox"/> <b>Deprived communities</b>	<input checked="" type="checkbox"/> <b>Carers</b>

**\*If no impact is identified on any of the protected characteristics a full EIA may not be required. Please contact your departmental Corporate Equality & Diversity representative for further information.**


Does the activity contribute towards meeting the Equality Act's general Public Sector Equality Duty? *Refer to p.3 of the guidance for more information*  
**A public authority must have 'due regard' (i.e. consciously consider) to the following:**

DUTY	DOES THE ACTIVITY MEET THIS DUTY? EXPLAIN
<b>Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act</b> <i>(i.e. the activity removes or minimises disadvantages suffered by people due to their protected characteristic)</i>	The activity is targeted at people with protected characteristics with the object of removing or minimising disadvantage.
<b>Advance equality of opportunity between those who share a protected characteristic and those who do not</b> <i>(i.e. the activity takes steps to meet the needs of people from protected groups where these are different from the needs of other people)</i>	
<b>Foster good relations between people who share a protected characteristic and those who do not</b> <i>(i.e. the function encourages people from protected groups to participate in public life or in other activities where their participation is disproportionately low)</i>	

<b>ASSESSMENT</b>	Is a full EIA required?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please explain how you have reached your conclusion <i>(A lack of negative impacts must be justified with evidence and clear reasons, highlight how the activity negates or mitigates any possible negative impacts)</i>			
<p>ω</p> <p>The grant is targeted at vulnerable owner-occupiers with low income. Eligibility for the grant has been determined by the Lancashire CHiL (Cosy Homes in Lancashire) Operational Group to assist those most in need whilst managing demand.</p>			

<b>Author Signature</b>	<i>S. MacAlister</i>	<b>Date</b>	<b>22/06/2018</b>
<b>Head of Service/Director Signature</b>	 	<b>Date</b>	<b>25/06/2018</b>

The above signatures signify acceptance of the ownership of the Initial EIA and the responsibility to publish the completed Initial EIA as per the requirements of the Equality Act 2010.

Departmental E&D Lead Signature	 Nafisha Master	Date	26/06/2018
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**FULL EQUALITY IMPACT ASSESSMENT****SECTION 3 – ANALYSIS OF IMPACT**

Does the activity have the **potential** to:

- **positively** impact (benefit) any of the groups?
- **negatively** impact/exclude/discriminate against any group?
- **disproportionately** impact any of the groups?

Explain how this was identified – through evidence/consultation.

Any negative impacts that are identified within the analysis need to be captured within the action plan in **Section 4**

**N.B.** Marriage & Civil Partnership is only a protected characteristic in terms of work-related activities and NOT service provision

Characteristic	Positive	Negative	Don't know	Reasons for positive and/or negative impact Please include all the evidence you have considered as part of your analysis	Action No.
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Marriage & Civil Partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Pregnancy & Maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Race	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Religion or Belief	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Sexual orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Vulnerable Groups	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Deprived Communities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Carers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

Other [please state]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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<p><b>Does the activity raise any issues for community cohesion?</b></p> <p><b>Does the activity contribute positively towards community cohesion?</b></p>	
<p><b>Does the activity raise any issues in relation to human rights as set out in the Human Rights Act 1998? Details of which can be found <a href="#">here</a></b></p>	
<p><b>Does the activity support / aggravate existing departmental and/or corporate risk?</b></p>	<p><i>Is the activity on the departmental risk register? If it is not, should it be?</i></p>

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**CONCLUSIONS OF THE ANALYSIS**

<b>Action following completion of the impact assessment</b>			
<i>It is important that the correct option is chosen depending on the findings of the analysis. The action plan must be completed as required.</i>			
<input type="checkbox"/> No major change in the activity	<input type="checkbox"/> Adjust activity	<input type="checkbox"/> Continue with activity	<input type="checkbox"/> Stop and reconsider activity
<b>Please explain how you have reached your conclusion</b>			

**SECTION 4****ACTION PLAN**

Action No.	What is the negative / adverse impact identified?	Actions required to reduce / mitigate / eliminate the negative impact	Resources required	Responsible officer(s)	Target completion date

Page 1

**MONITORING AND REVIEW**

The responsibility for establishing and maintaining the monitoring arrangements of the EIA action plan lies with the service completing the EIA. These arrangements should be built into the performance management framework.

Monitoring arrangements for the completion of EIAs will be undertaken by the Corporate Equality & Diversity Group and the oversight of the action plans will be undertaken by the Management Accountability Framework.

If applicable, where will the EIA Action Plan be monitored?	<i>e.g. via Service Management Team; Service Leadership Team; Programme Area Meetings</i>
How often will the EIA Action Plan be reviewed?	<i>e.g. quarterly as part of the MAF process</i>
When will the EIA be reviewed?	<i>It should be reviewed at least every 3 years to meet legislative requirements</i>
Who is responsible for carrying out this review?	



<b>Author Signature</b>		<b>Date</b>	Click here to enter a date.
<b>Head of Service/Director Signature</b>		<b>Date</b>	Click here to enter a date.
<i>The above signatures signify acceptance of the ownership of the full EIA, the responsibility for the associated Action Plan (if applicable) and the responsibility to publish the completed full EIA as per the requirements of the Equality Act 2010.</i>			
<b>Departmental E&amp;D Lead Signature</b>		<b>Date</b>	Click here to enter a date.

## EXECUTIVE MEMBER DECISION



**REPORT OF:** Executive Member for Regeneration

**LEAD OFFICERS:** Director of Environment and Operations

**DATE:** 09/10/2018

**PORTFOLIO/S AFFECTED:** Regeneration

**WARD/S AFFECTED:** All

**SUBJECT: Highway Tree Strategy**

### 1. EXECUTIVE SUMMARY

The Highway Tree Strategy defines how the authority manages the trees growing within the area of the adopted highway.

### 2. RECOMMENDATIONS

That the Executive Member:

1. Approves the Highway Tree Strategy.
2. Approves publishing the Tree Strategy on the authority's website.

### 3. BACKGROUND

Roadside trees improve the appearance of the highway environment. They improve the atmosphere by absorbing carbon dioxide and generating oxygen. They also absorb particulate matter, generated by combustion, which aggravates asthma.

### 4. KEY ISSUES & RISKS

The management of the authority's stock of highway trees is defined in the attached strategy.

The strategy notes:

- the positive contribution that trees have in the environment,
- the health benefits,
- the noise reduction,
- the method of valuing trees,
- the positive effect on property prices,
- how and when the authority will maintain these trees, including urgent and emergency works.

The strategy incorporates the principles of UK Roads Liaison Groups' Well Managed Highways, a Code of Practice, which was published in October 2016 and is to be fully implemented by October 2018, the strategy supports both the Asset Management Policy and Strategy and is itself supported by the Safety Defect Inspection Procedure.

### 5. POLICY IMPLICATIONS

The highway tree strategy supports the Highways Asset Management Policy and Strategy.

**6. FINANCIAL IMPLICATIONS**

None

**7. LEGAL IMPLICATIONS**

The Council has a legal duty to maintain and keep the highway safe for public use as defined in the Highways Act, 1980.

The duty extends to trees in private occupation that are shown to be a danger to the highway or highway users.

**8. RESOURCE IMPLICATIONS**

None

**9. EQUALITY AND HEALTH IMPLICATIONS**

**Please select one of the options below. Where appropriate please include the hyperlink to the EIA.**

Option 1  Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2  In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. *(insert EIA link here)*

Option 3  In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. *(insert EIA attachment)*

**10. CONSULTATIONS**

Executive and Lead Members for Regeneration.  
Lancashire County Council.

**11. STATEMENT OF COMPLIANCE**

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

**12. DECLARATION OF INTEREST**

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded and published if applicable.

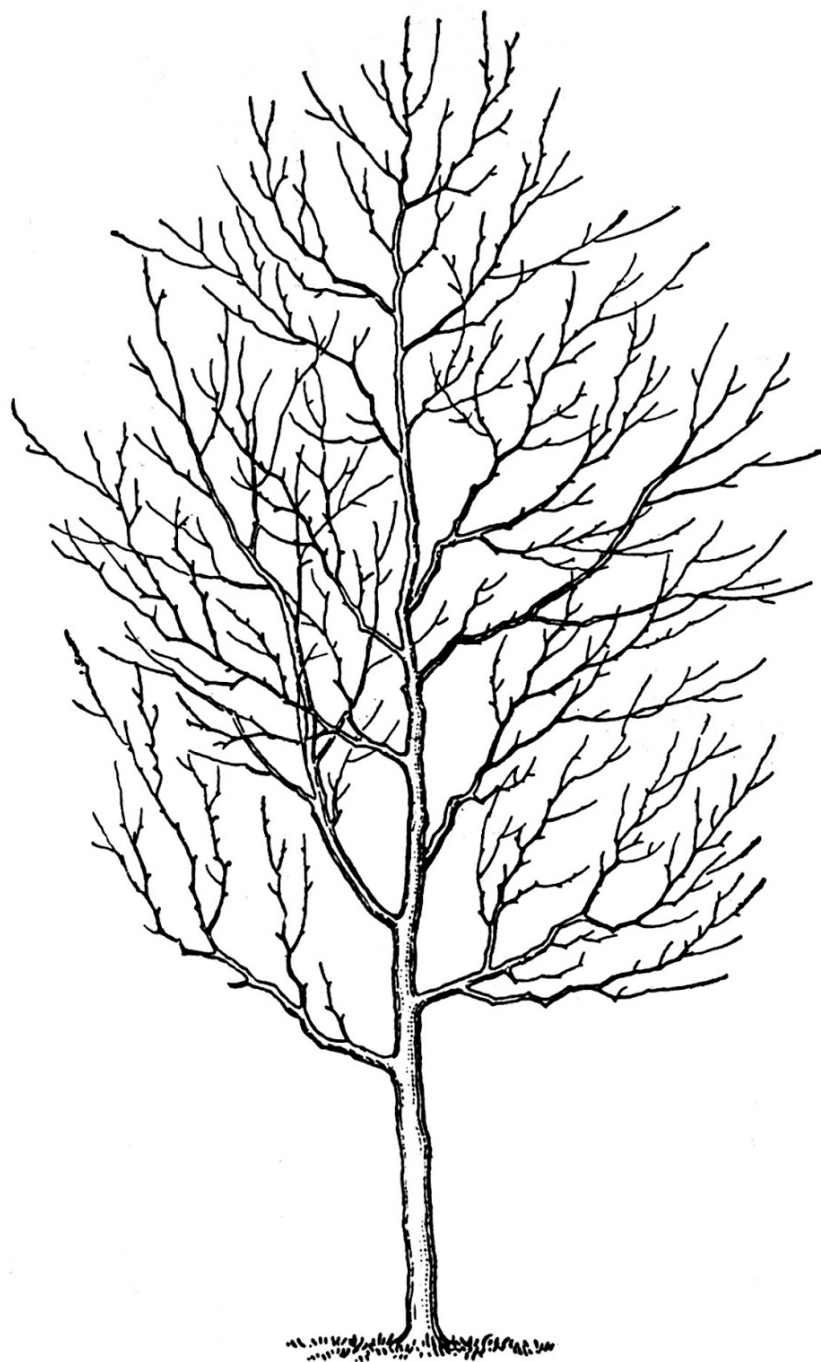
<b>VERSION:</b>	<b>1</b>
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<b>CONTACT OFFICER:</b>	<b>Matthew Joyce</b>
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<b>DATE:</b>	18 <sup>th</sup> September 2018
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<b>BACKGROUND PAPER:</b>	Draft Highway Trees Strategy.
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# Highway Trees Strategy



Version: 1.0.

Status: Draft for approval.

Version	Date	Amendment	Prepared by	Checked by	Date Approved
1.0	17/09/18	-	Matthew Joyce	George Bell	To be approved

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## 1.0 Introduction and History

This Strategy sets out how the authority intends to maintain trees within the adopted highway. The aim of the strategy is to protect and promote the benefits of our highway trees and to recognise the beneficial contribution that these trees make towards the character and appearance of Blackburn and Darwen. As the local highway authority the Council has the responsibility for trees within the adopted highway.

This strategy will be reviewed and, if necessary revised, every two years or sooner, if required by any significant events.

## 2.0 The Benefits of Street Trees in the urban environment

### 2.1 Benefits

The benefits of trees have long been acknowledged. But in the last twenty years there has been significant reinforcement of the need for action on a worldwide scale to protect and conserve trees. In 1994 “Sustainable Development: The UK Strategy” was published as Britain’s response to the 1992 UN Conference on Environment and Development, the “Earth Summit” in Rio de Janeiro. An important recommendation of this meeting was that individual countries should prepare strategies and action plans to implement the agreements. The value of trees in towns has been known throughout the world since earliest times. Towns and cities everywhere bear testament to the value of the municipal tree.

Research in the late 20th century increasingly has shown a clear and positive correlation between a person's view of trees and recovery from illness and maintenance of general health.

### 2.2 Urban Trees and Pollution

Since concern about the effects of acid rain became widespread, a great deal of research has been undertaken worldwide into trees and pollution. Trees absorb carbon monoxide, nitrogen dioxide, carbon dioxide, and, of course produce oxygen. Trees have a positive effect on the environment and human health by reducing levels of pollutants in the air. Trees also intercept and capture large amounts of particulates that are a bi-product

of combustion and increasingly implicated in the current increase in asthma cases. Small particles which may be most damaging to people, are most effectively contained by trees. Studies in the U.S. show that an urban forest of 49 hectares will intercept between 22kg and 77kg of particulates per day.

### 2.3 Trees in the Urban Landscape

Trees are amongst the most important landscape features in our towns and cities. Carefully located, a single tree can have a major impact on a street scene or view. Trees can define and give character to spaces, frame views, lead the eye to important landmarks and screen unsightly features. They can soften the appearance of large structures or barren areas and provide interesting colour, texture and movement that change with the seasons.

Recommendation 35 of the UK roads Liaison Group's Well Managed Highway Infrastructure calls for "...Highway verges, trees and landscaped areas should be managed with regard to their nature conservation value and biodiversity principles as well as whole-life costing, highway safety and serviceability."

### 2.4 Noise reduction

Trees and other vegetation can play an important role in attenuating noise through reflecting and absorbing sound energy. One estimate suggests that 7db noise reduction is achieved for every 33m of forest whilst other reported field tests show apparent loudness reduced by 50% by wide belts of trees and soft ground.

## 3.0 Value of Council owned Trees

### 3.1 Actual value of trees

Many different ways of valuing trees have been developed to meet different needs. The Council has used the Helliwell method to estimate the amenity value of its highway trees.

### 3.2 Property values



Several studies have analysed the effect of tree cover on the price of residential house sales and have concluded that values of properties in tree lined areas may, on average, be up to 6% greater than in similar areas without trees.

## 4.0 Highway Tree Management

### 4.1 Location of Highway Trees

The location of highway trees will be mapped on the Council's corporate GIS system, this will record:

- a. The location.
- b. The common name of the tree.
- c. The date it was last inspected.
- d. Its condition at that time.
- e. Its height.
- f. Any other relevant comments.

Currently there are over 2,700 individual trees; lime, rowan and cherry are the most popular of the 69 different varieties.

### 4.2 Consultation

Prior to any planned pruning or felling operations the authority will consult with residents in the immediate area of the affected tree or trees. Residents, in this immediate area will be informed, in writing, of the reasons for the planned pruning or felling operation, together with the intended date of the work, there will be sufficient opportunity for residents to give their views and opinions. The intention to carry out any proposed works will also be displayed on the authority's website, offering an opportunity for those indirectly affected to comment. All comments and opinions received will be carefully considered and an appropriate response provided. This process may be waived in the case of urgent or emergency work, see section 5.4, below.

### 4.3 Types of Pruning for Trees

There are many different types of pruning undertaken to manage trees. They are listed and described below as acceptable methods and good practice within the industry and the authority. Generally the Council will use the techniques for pruning set out in BS 3998 and the European Tree Pruning Guide. Tree officers will use Risk Assessment procedures to identify the extent of work needed and these assessments will take into account the Authority's statutory obligations including consideration of protected species under the Wildlife and Countryside Act 1981. Where evidence of birds nesting is found no work will be carried out until the nesting season is over.

- 4.3.1 Crown Thinning - This reduces the density of the tree's crown without changing the shape and form of the tree. Thinning reduces the amount of foliage and allows more light through the canopy or crown. It is ideal for admitting more light to gardens and windows and allows crossing and rubbing branches to be cleared.
- 4.3.2 Crown Lifting - This essentially means pruning off lower limbs close to the trunk to give more clear space below the crown which is essential for street trees and useful for allowing more light into gardens. It also prevents low branches obstructing footways, drives etc.
- 4.3.3 Crown Cleaning - Cleaning consists of the removal of all dead, dying and diseased wood and rubbish accumulating in forks. It also includes the removal of objects such as wires, ropes and boards. Cleaning out may consist of the removal of unwanted climbing plants, such as Ivy or Clematis, from the crown of a tree.
- 4.3.4 Crown Reduction - The tree crown is reduced by shortening branches, usually carried out all round the crown or canopy to maintain a balanced shape. It is useful for preventing branches touching buildings, roofs and guttering. It also prevents branches obstructing street signs, lighting and high vehicles.
- 4.3.5 Root Pruning - Cutting tree roots is highly undesirable and can affect the health and safety of a tree. Root pruning is a specialised operation that should only be undertaken with the support and supervision of the Arboriculturalist. Pruning of buttress or other major roots can make the

tree unstable. There are strict guidelines relating to severance of tree roots. Severance of more than 30% of a tree's root system is quite likely to cause slow dieback and eventual death of a mature tree.

- 4.3.6 Pollarding - This involves pruning all the branches from a tree at a certain height, usually between 2 metres and 5 metres above ground level. Since ancient times pollarding has been a traditional method for cutting timber and then allowing re-growth. It should normally be commenced when the tree is still young and then repeated at regular intervals through the life of the tree. It is now essentially a method of controlling the growth of the tree and to restrict the size of its crown. Pollarding is traditional in some localities and for certain species but it can be detrimental to the appearance of individual trees. There is a case for pollarding veteran trees to allow them to be retained without compromising public safety.
- 4.3.7 Coppicing - This is a similar practice to pollarding, but in this method the tree is cut back close to ground level to promote multiple stem regrowth. Whilst this is generally used to promote stem growth for commercial harvesting it can be a useful practice for amenity and for conservation; for example coppicing willows along riverbanks to help bank stabilisation and for wildlife habitat.
- 4.3.8 Barrel Growth removal - This work is the removal of small shoots from the trunk or barrel of the tree to improve visibility along the highway, particularly at junctions. The growth is removed to a range of different heights from 3 metres to 6 metres, depending on the tree's proximity to nearby buildings.
- 4.3.9 Felling - This operation is the complete removal of a tree down to a stump. It may involve careful dismantling of the branch structure to avoid damage to surrounding features such as houses and gardens. Due to the complexity of this operation and differing equipment requirements is sometimes necessary to leave a tree stump and return at another time to remove it. When this happens, stumps will be left 1½ metres high to remove the possibility of trip hazards. The Council will resist the removal of any established tree unless it is dead, dying or diseased or is identified as needing removal as a result of a Risk Assessment or planning consent. It may also be necessary to allow the

falling of a mature tree if it is obstructing a public highway or Right of Way or if it is causing an illegal nuisance to an adjacent property.

## 5.0 Duties and Responsibilities

### 5.1 Duty of care

Owners of trees have a duty of care and are legally obliged to carry out inspections to identify and resolve potential hazards.

### 5.2 Nuisance

Owners of any trees that are a potential nuisance or danger to members of the public or to property will be asked to carry out work to resolve the situation. In the event of failure to carry out work, within a reasonable time the Council will use statutory powers to implement essential works and recharge the costs to the owner.

### 5.3 Powers

Blackburn with Darwen Borough Council has powers under the Highways Act 1980 Section 154, The Local Government (Miscellaneous Provisions) Act 1976 Section 23 & 24 and in common law to ensure that members of the public are not put at risk when using the highway and these powers extend to cover highway trees.

### 5.4 Emergency work

The Council will fell and remove any tree or limb of a tree that obstructs or partially obstructs the highway or appears to present a danger to highway users as soon as practicably possible, in such cases consultation may not be possible or practical.

### 5.5 Condition

The condition of landscaped areas and trees can contribute to the core objectives as follows:

- |                |   |
|----------------|---|
| Network Safety | <ul style="list-style-type: none"><li>• obstruction to user visibility and legibility of traffic signs</li><li>• fallen trees or overgrown vegetation that physically obstructs part of the highway</li></ul> |
|----------------|---|

- falling branches from trees
  - leaf fall from trees causing slippery surface
  - root growth affecting surface regularity
- Network Serviceability
- potential for service interruption
  - quality of user experience
- Network Sustainability
- landscape conservation
  - mitigation of climate change effects
  - support for habitat and biodiversity
  - problems of root growth for surface, structure and highway drainage
  - maintaining

## 6.0 Assessment of Requests for Pruning.

### 6.1 Approach

This strategy outlines Blackburn with Darwen Borough Council's approach to highway tree management work and describes in broad terms, situations where we are likely to consider pruning, felling or other forms of tree management work for our street trees. Trees do require work from time to time to reduce risk and liability, or to ensure that people are not deprived of a reasonable right of enjoyment of their property. All work to highway trees will normally be carried out by specialist Arboricultural teams and will be in accordance with current UK and EU legislation, guidance, British Standards and Codes of Practice. Trees in conservation areas or those subject to Tree Preservation orders will not normally be pruned.

Guidelines for pruning are given below:

### 6.2 Safety

Where a highway tree presents a clear and foreseeable threat to the safety of highway users or to adjacent property action will be taken to minimise that risk.

Unfounded fear of a tree will not normally result in action to prune the tree.

### 6.3 Obstruction of the Highway

The Council will seek to ensure that adequate clearance of the highway for the type of traffic using that highway is maintained at all times. Inquiries and comments about low branches over the highway will be considered and acted upon promptly.

### 6.4 Obstruction of street lights and road signs

The Council will endeavour to ensure that trees under their management do not obscure road signs or prevent street lamps from illuminating the highway.

### 6.5 Daylight Loss

There is no right to light with regard to trees, so action will normally only be considered where the separation between the tree and the window of the nearest habitable room is less than 2 metres and the extent of light excluded is unreasonable.

A 'habitable room' means a dining room, lounge, kitchen, study or bedroom but specifically excludes WCs, bathrooms, utility rooms, landings and hallways.

### 6.6 Television and other radio equipment

There is no right to good reception of any signal type. The TV licence does not guarantee or grant an adequate signal and in many cases it is possible to resolve issues of poor reception involving trees by finding an engineering solution.

### 6.7 Leaves, Seeds and Fruit

Leaves and seeds are carried freely on the wind and are largely outside the control of the Council. Clearing of leaves from gutters and pathways and weeding of self-set seeds are considered to be normal routine seasonal maintenance which property owners are expected to carry out. Pruning will not normally be undertaken to attempt to reduce the fall of leaves, seeds or fruit.

#### 6.8 Honeydew

As with leaves, honeydew is not readily controllable by pruning and cleaning of affected surfaces is considered to be routine maintenance. Pruning will not normally be considered solely as a way of alleviating problems with honeydew.

#### 6.9 Subsidence

Tree related subsidence damage is a complex issue and each case will need to be considered on an individual basis. An increasing number of insurance claims and mortgage enquiries relate to possible or actual subsidence of structures and buildings of various kinds. Insurance companies will frequently refer to an adjacent Council owned tree and demand its removal or commence a claim against the Authority. Where damage has occurred the Council will require that adequate assessment and monitoring is undertaken to demonstrate that the tree is involved and that such evidence be submitted in support of any request for action. Monitoring of the subsidence or other damage over an extended period of time is essential to establish the true reason for the problem. It must be remembered that the removal of a large tree can cause 'heave' which is the opposite effect to that which is planned. Requests for action based on an un-quantified possibility of damage occurring at an unspecified point in the future will not be considered unless there are other overriding reasons to take action.

#### 6.10 Direct Root Damage

As with subsidence, cases of alleged direct root damage will be considered on an individual basis after detailed investigation and

confirmation that the roots in question are in fact part of the adjacent Council owned tree and not some other plant or tree.

#### 6.11 Drain Blockage

As with subsidence, the Council will require that adequate assessment is undertaken to establish that a tree's roots are invading a drain. The most appropriate remedial action will be decided upon which has a balance between the nuisance experienced by individuals and the benefits offered by the tree to the wider community.

#### 6.12 Footway crossing applications involving trees.

When Blackburn with Darwen Borough Council receives an application for a footway crossing and there is a tree in the footway or verge, considerations will be made as follows.

- If the property already has alternate access the application will be refused unless there is a compelling reason.
- If the excavation needed to construct the proposed crossing impinges on the Root Protection Area, as defined in British Standard 5837: 2005 Trees in Relation to Construction Recommendations, then the individual situation is to be considered by the authority's Arboricultural Officer to establish the extent of potential damage to roots.

### 7.0 Tree Planting

#### 7.1 Sustainable Stock

A sustainable stock of trees is at the heart of this strategy. Trees take decades to mature and to contribute fully to the treescape and local environment. The Authority benefits from the foresight of previous generations and their tree planting policies. Many of Authority's highway trees date from Victorian times and from the inter-war years. Blackburn with Darwen Borough Council will plant a new tree to replace every tree felled in the highway, unless there are exceptional circumstances. The replacement will be in the same location as the tree removed, or as close as possible unless circumstances dictate otherwise. Overall there will be no net loss of tree numbers in the highway realm.



## 7.2 Environment

Roads and streets offer a difficult environment for trees; they need special care and protection to thrive, which can be costly. Roads and streets are where most of our services, cables, pipes and overhead wires are found, together with junction boxes, post and telephone boxes, street lights, signs and access chambers. The presence of this equipment above and below ground makes it difficult to find sufficient space to plant trees. In residential areas verges have often been surfaced with tarmac and many houses now have driveways. Careful consideration should be given to choose new trees that are tolerant of vandalism, traffic pollution, road salt and other pollutants.

## 7.3 Practice

Tree planting and establishment will be carried out in accordance with good arboricultural practice and guidance promoted by government agencies and professional institutions. The Council is committed to maintaining high standards of workmanship and setting a good example to others.

This strategy supports the Highway Asset Management Strategy.

## EQUALITY IMPACT ASSESSMENT CHECKLIST

***This checklist is to be used when you are uncertain if your activity requires an EIA or not.***

An Equality Impact Assessment (EIA) is a tool for identifying the potential impact of the organisation's policies, services and functions on its residents and staff. EIAs should be actively looking for negative or adverse impacts of policies, services and functions on any of the nine protected characteristics.

The checklist below contains a number of questions/prompts to assist officers and service managers to assess whether or not the activity proposed requires an EIA. Supporting literature and useful questions are supplied within the [EIA Guidance](#) to assist managers and team leaders to complete all EIAs.

<b>Service area &amp; dept.</b>	Highways, Regeneration	<b>Date the activity will be implemented</b>	01/10/2018
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<b>Brief description of activity</b>	Implementation of the Highways Tree Strategy
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Answers favouring doing an EIA	Checklist question	Answers favouring not doing an EIA
<input type="checkbox"/> Yes	Does this activity involve any of the following: - Commissioning / decommissioning a service - Change to existing Council policy/strategy - Budget changes	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes	Does the activity impact negatively on any of the protected characteristics as stated within the Equality Act (2010)?	<input checked="" type="checkbox"/> No
<input checked="" type="checkbox"/> No <input type="checkbox"/> Not sure	Is there a sufficient information / intelligence with regards to service uptake and customer profiles to understand the activity's implications?	<input type="checkbox"/> Yes
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	<b>Does this activity:</b> Contribute towards unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act <i>(i.e. the activity creates or increases disadvantages suffered by people due to their protected characteristic)</i>	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Reduce equality of opportunity between those who share a protected characteristic and those who do not <i>(i.e. the activity fail to meet the needs of people from protected groups where these are different from the needs of other people)</i>	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Foster poor relations between people who share a protected characteristic and those who do not <i>(i.e. the function prevents people from protected groups to participate in public life or in other activities where their participation is disproportionately low)</i>	<input checked="" type="checkbox"/> No
<b>FOR =1</b>	<b>TOTAL</b>	<b>AGAINST =5</b>

**Will you now be completing an EIA?**

Yes

No

The EIA toolkit can be found [here](#)

<b>Assessment Lead Signature</b>	<i>m. Joyce</i>
<b>Checked by departmental E&amp;D Lead</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Date</b>	18/09/2018