

Report of the Portfolio Holder for Environment and Climate Change

TREE STRATEGY - MANAGEMENT STRATEGY FOR TREES IN COUNCIL OWNERSHIP 2023-20271. Purpose of Report

To seek approval for the new Tree Strategy 2023-2027.

2. Recommendation

Cabinet is asked to RESOLVE that the Tree Strategy be approved and adopted.

3. Detail

Broxtowe Borough Council made a commitment to become carbon neutral by the end of 2027. Forming part of the Climate Change and Green Futures programme, commitments have been made around the management and planting of trees. It has therefore been necessary to develop a Tree Strategy for trees in Council ownership that would ensure the appropriate management and maintenance of existing trees along with the promotion of suitable tree planting initiatives.

Increasing the tree coverage within the Borough is a key part of the Council's Climate Change and Green Futures Programme. This new strategy will provide a strategic framework to manage, develop and enhance the Council's tree stock.

Trees are a vital aspect of life on our planet. They not only absorb and sequester carbon dioxide from the atmosphere yielding oxygen in return, but they also filter particulate, gaseous and noise pollution. In addition, they stabilise soil, provide shelter from strong winds and ultraviolet radiation, encourage and support biodiversity (even after the tree has died); increase social value and encourage wellbeing.

However, trees can also be a source of conflict, both perceived and actual. Fear of damage, the deposit of leaves, berries and other natural detritus, encroachment into property and obstruction of light are all potential problems associated with trees.

The new strategy (attached in appendix 2) outlines how the Council will maintain a healthy, safe stock of trees and enhance tree coverage across the Borough (as far as is reasonably practicable).

The Tree Strategy was reviewed at the Policy Overview Working Group on 5 October 2023. The group recommended adoption of the strategy but with the following amendments:

- Addition of a Communication Strand to the stakeholder engagement table.
- Inclusion of Nottinghamshire County Council and Broxtowe Borough Council responsibilities in relation to trees.

- Inclusion of a Biodiversity Net Gain statement and signposting to appropriate strategies.

These have now been captured within the revised Tree Strategy.

4. Financial Implications

The comments from the Head of Finance Services were as follows:

There are no additional financial implications for the Council with costs being contained within existing budgets. Any significant budget implications in the future, over and above virement limits, would require approval by Cabinet.

5. Legal Implications

The comments from the Head of Legal were as follows:

The Council has a legal duty to manage and maintain all trees on Council-owned land, in parks and open spaces. The Tree Strategy sets out standards for the management of the tree resource under the stewardship of the Council which comply with nationally recognised codes of practice and will mitigate the risk (e.g. of insurance claims) as well as helping to protect trees and woodlands as a valuable natural asset to Broxtowe.

6. Human Resources Implications

The comments from the Human Resources Manager were as follows:

Not applicable

7. Union Comments

The comments from the Union were as follows:

Not applicable

8. Climate Change Implications

Comments are contained within the report.

9. Data Protection Compliance Implications

No Applicable

10. Equality Impact Assessment

As this is a new policy, an equality impact assessment is included in appendix 1 of this report.

11. Background Papers

Nil

APPENDIX 1

Equality Impact Assessment

The Equality Act 2010 replaces the previous anti-discrimination laws with a single Act. It simplifies the law, removing inconsistencies and making it easier for people to understand and comply with it. It also strengthens the law in important ways, to help tackle discrimination and equality. The majority of the Act came into force on 1 October 2010.

The general equality duty applies to all of the decisions made in the course of exercising public functions, not just to policy development and high-level decision-making. The functions of a public authority include all of its powers and duties. Examples of this include: policy decisions, strategies, individual decision-making, budgetary decisions, public appointments, service provision, statutory discretion, employment of staff and procurement of goods and services.

Public bodies are required in it to have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited under the Act
- advance equality of opportunity between people who share a protected characteristic and people who do not share it, and
- foster good relations between people who share a protected characteristic and people who do not share it.

The public sector Equality Duty came into force on 5 April 2011. The duty ensures that all public bodies play their part in making society fairer by tackling discrimination and providing equality of opportunity for all. It ensures that public bodies consider the needs of all individuals in their day to day work – in shaping policy, delivering services and in relation to their own employees.

The Equality Duty encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet different people's needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people's opportunities, public bodies are better placed to deliver policies and services that are efficient and effective.

The new equality duty replaces the three previous public sector equality duties, for race, disability and gender. The new equality duty covers the following protected characteristics:

- Age.
- Disability.
- Gender reassignment.
- Pregnancy and maternity.
- Race – this includes ethnic or national origins, colour or nationality.
- Religion or belief – including lack of belief.
- Sex.
- Sexual orientation.

It also applies to marriage and civil partnership, but only in respect of the requirement to have due regard to the need to eliminate discrimination.

Having due regard means consciously thinking about the three aims of the equality duty as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by public bodies, including how they act as employers, how they develop, evaluate and review policies, how they design, deliver and evaluate services, and how they commission and procure from others.

Having due regard to the need to advance equality of opportunity involves considering the need to:

- Remove or minimise disadvantages suffered by people due to their protected characteristics.
- Meet the needs of people with protected characteristics.
- Encourage people with protected characteristics to participate in public life or in other activities where their participation is low.

Fostering good relations involves tackling prejudice and promoting understanding between people who share a protected characteristic and others.

Complying with the equality duty may involve treating some people better than others, as far as this is allowed by discrimination law. For example, it may involve making use of an exception or the positive action provisions in order to provide a service in a way which is appropriate for people who share a protected characteristic.

The Equality Duty also explicitly recognises that disabled people's needs may be different from those of non-disabled people. Public bodies should therefore take account of disabled people's impairments when making decisions about policies or services. This might mean making reasonable adjustments or treating disabled people better than non-disabled people in order to meet their needs.

There is no explicit requirement to refer to the Equality Duty in recording the process of consideration but it is good practice to do so. Keeping a record of how decisions were reached will help public bodies demonstrate that they considered the aims of the Equality Duty. Keeping a record of how decisions were reached will help public bodies show how they considered the Equality Duty. Producing an Equality Impact Assessment after a decision has been reached will not achieve compliance with the Equality Duty.

It is recommended that assessments are carried out in respect of new or revised policies and that a copy of the assessment is included as an appendix to the report provided to the decision makers at the relevant Cabinet, Committee or Scrutiny meeting.

Where it is clear from initial consideration that a policy will not have any effect on equality for any of the protected characteristics, no further analysis or action is necessary.

Public bodies should take a proportionate approach when complying with the Equality Duty. In practice, this means giving greater consideration to the Equality Duty where a policy or function has the potential to have a discriminatory effect or impact on equality of opportunity, and less consideration where the potential effect on equality is slight. The Equality Duty requires public bodies to think about people's different needs and how these can be met.

EQUALITY IMPACT ASSESSMENT (EIA)

Directorate:	Executive Director	Lead officer responsible for EIA	Head of Environment
Name of the policy or function to be assessed:	Tree Strategy - Management Strategy for Trees in Council Ownership 2023-2027		
Names of the officers undertaking the assessment:	Head of Environment		
Is this a new or an existing policy or function?	New Strategy		
<p>1. What are the aims and objectives of the policy or function?</p> <p>The strategic aims for the Tree Strategy are:</p> <ol style="list-style-type: none"> To provide a framework for tree management, which will enhance their value and improve: <ul style="list-style-type: none"> Landscape Enhancement. Biodiversity. Physical Environmental Benefits. Climate Change Mitigation and Adaptation. Health and Wellbeing. To engage and educate residents, green space users, employees and contractors on the sustainable management principles and maintenance regimes for the Borough's tree stock. This will be achieved using a variety of platforms and methodologies including; social media, Green Festivals, direct email, Green Rewards, leaflets and posters. Provide appropriate communications to all stakeholders regarding the implementation of any tree work. Replenish and increase the Borough's tree stock; fostering environmental resilience and sustainability. 			

5. Undertake effective woodland maintenance by removing selected trees, in order for the woodland to mature and to support a diverse range of habitats and ecosystems.
6. Fulfil the Council's legal obligations as a tree owner by addressing safety and maintenance issues effectively.
7. Utilise external funding to support tree planting programmes within the Borough.
8. Maintain an accurate database of tree assets and appropriate maintenance / survey arrangements.
9. Calculate the sequestration value of the Council's tree assets to inform the Climate Change and Green Futures Strategy.

2. What outcomes do you want to achieve from the policy or function?

To protect and enhance the environment for future generations.

3. Who is intended to benefit from the policy or function?

Everyone who lives or works in the Borough of Broxtowe.

4. Who are the main stakeholders in relation to the policy or function?

Members
General Management Team (GMT)
Employees in the Council
Residents
Businesses
Community Groups
Nottinghamshire County Council
Town and Parish Council's
Forestry Commission
Local Nature Partnership
Local Wildlife Trusts

5. What baseline quantitative data do you have about the policy or function relating to the different equality strands?

- Over 132,000 trees have been planted across the Borough since 2008
- 26% of the Borough has tree canopy cover.
- The Council manages 94 hectares of mixed woodland.
- The council spends around £150k each year on planting, protecting and managing our trees.
- 168 Tree Preservation Orders (TPO's) across the Borough.

A monitoring system to capture further tree data will be developed over the next six months.

6. What baseline qualitative data do you have about the policy or function relating to the different equality strands?

Qualitative data regarding trees is captured from residents and other key stakeholder enquires via email, phone calls and the Council's website. Data is also obtained through the Council's Parks and Open Spaces Survey's and will be used to inform any revision of the Tree Strategy.

7. What has stakeholder consultation, if carried out, revealed about the nature of the impact?

The Tree Strategy forms part of the broader Climate Change and Green Futures Strategy. Consultation on this wider strategy took place in June and July of 2023. Feedback from residents indicated that they wished to see an increase in tree planting efforts across the Borough. This has been captured within the action plan.

Internal Stakeholder consultation has also been undertaken.

8. From the evidence available does the policy or function affect or have the potential to affect different equality groups in different ways? In assessing whether the policy or function adversely affects any particular group or presents an opportunity for promoting equality, consider the questions below in relation to each equality group:

- Does the policy or function target or exclude a specific equality group or community? Does it affect some equality groups or communities differently? If yes, can this be justified?

No

- Is the policy or function likely to be equally accessed by all equality groups or communities? If no, can this be justified?

Yes

- Are there barriers that might make access difficult or stop different equality groups or communities accessing the policy or function?

No

- Could the policy or function promote or contribute to equality and good relations between different groups? If so, how?

Yes - Sets out a clear framework for the management and maintenance of trees.

- What further evidence is needed to understand the impact on equality?

None

9. On the basis of the analysis above what actions, if any, will you need to take in respect of each of the equality strands?

Age: No known actions required.

Disability: No known actions required.

Gender: No known actions required.

Gender Reassignment: No known actions required.

Marriage and Civil Partnership: No known actions required.

Pregnancy and Maternity: No known actions required.

Race: No known actions required.

Religion and Belief: No known actions required.

Sexual Orientation: No known actions required.

Executive Director:

I am satisfied with the results of this EIA. I undertake to review and monitor progress against the actions proposed in response to this impact assessment.

Signature: Executive Director

