CABINET

7.30 p.m. Wednesday 16 September 2009 Council Chamber Town Hall

Members 9: Quorum 5

Present:
Councillor Michael White, Leader of the Council, in the Chair

<table>
<thead>
<tr>
<th>Cabinet Member responsibility:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social Care &amp; Learning</td>
</tr>
<tr>
<td>Housing, Public Protection &amp; Regeneration</td>
</tr>
<tr>
<td>Culture &amp; Communities</td>
</tr>
<tr>
<td>Corporate Services</td>
</tr>
<tr>
<td>Finance &amp; Commerce</td>
</tr>
<tr>
<td>Skills &amp; Young People</td>
</tr>
<tr>
<td>Education &amp; Children’s Services</td>
</tr>
<tr>
<td>StreetCare &amp; Customer Services</td>
</tr>
</tbody>
</table>

Councillor Steven Kelly (Deputy Leader)                        |
Councillor Michael Armstrong                                    |
Councillor Andrew Curtin                                        |
Councillor Peter Gardner                                        |
Councillor Eric Munday                                          |
Councillor Paul Rochford                                        |
Councillor Geoffrey Starns                                      |
Councillor Barry Tebbutt                                        |

For information about the meeting please contact:
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1. HEALTH AND SAFETY

The Council is committed to protecting the health and safety of all who attend meetings of Cabinet.

At the beginning of the meeting, there will be an announcement about what you should do if there is an emergency during its course. For your own safety and that of others at the meeting, please comply with any instructions given to you about evacuation of the building, or any other safety related matters.

2. MOBILE COMMUNICATIONS DEVICES

Although mobile phones, pagers and other such devices are an essential part of many people’s lives, their use during a meeting of the Cabinet can be disruptive and a nuisance. Everyone attending is asked therefore to ensure that any device is switched to silent operation or switched off completely.

3. CONDUCT AT THE MEETING

Although members of the public are welcome to attend meetings of the Cabinet, they have no right to speak at them.

The Chairman has discretion, however, to invite members of the public to ask questions or to respond to points raised by Members. Those who wish to do that may find it helpful to advise the Committee Officer before the meeting so that the Chairman is aware that someone wishes to ask a question.

PLEASE REMEMBER THAT THE CHAIRMAN MAY REQUIRE ANYONE WHO ACTS IN A DISRUPTIVE MANNER TO LEAVE THE MEETING AND THAT THE MEETING MAY BE ADJOURNED IF NECESSARY WHILE THAT IS ARRANGED.

If you need to leave the meeting before its end, please remember that others present have the right to listen to the proceedings without disruption. Please leave quietly and do not engage others in conversation until you have left the meeting room.
AGENDA

1 ANNOUNCEMENTS

On behalf of the Chairman, there will be an announcement about the arrangements in case of fire or other events that might require the meeting room or building’s evacuation.

2 APOLOGIES FOR ABSENCE (if any) - receive.

3 DECLARATION OF INTERESTS

Members are invited to declare any interests in any of the items on the agenda at this point of the meeting. Members may still declare an interest in an item at any time prior to the consideration of the matter.

4 MINUTES

To approve as a correct record the minutes of the meeting held on 19 August 2009, and to authorise the Chairman to sign them

5 HAVERING’S HIGHWAY TREE STRATEGY

6 ALTERNATIVE USES FOR UNDER-USED AND/OR VANDALISED HOUSING REVENUE ACCOUNT (HRA) SITES

7 EXCLUSION OF THE PUBLIC

During consideration of the following agenda item, as necessary:

To consider whether the public should be excluded from the meeting on the grounds that it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public were present during the following item there would be disclosure to them of exempt information within the meaning of paragraph 3 of Schedule 12A to the Local Government Act 1972 which it is not in the public interest to publish; and, if it is decided to exclude the public on those grounds, Cabinet to resolve accordingly on the motion of the Chairman.
Cabinet, 16 September 2009

8 DISPOSAL OF SNOWDON COURT

Cheryl Coppell
Chief Executive
Present:
Councillor Michael White, Leader of the Council, in the Chair

Cabinet Member responsibility:

Councillor Steven Kelly (Deputy Leader) Social Care & Learning
Councillor Mike Armstrong Housing, Public Protection & Regeneration
Councillor Andrew Curtin Culture & Communities
Councillor Peter Gardner* Corporate Services
Councillor Eric Munday Finance & Commerce
Councillor Paul Rochford Skills & Young People
Councillor Geoffrey Starns Education & Children’s Services

* for part of the meeting

Councillors Clarence Barrett, Keith Darvill and Linda Hawthorn also attended.

An apology was received for the absence of Councillor Barry Tebbutt.

Six members of the public and two representatives of the press were also present.

There were no declarations of interest.

The decisions were agreed with no vote against.

On behalf of the Chairman, those present were reminded of the action to be taken in the event of an emergency.

35  MINUTES

The minutes of the meeting held on 15 July 2009 were agreed as a correct record and were signed by the Chairman.
Cabinet, 19 August 2009

36 APPOINTMENT OF A JOINT DIRECTOR OF PUBLIC HEALTH

Councillor Michael White, Leader of the Council, introduced the report

It was reported that it was increasingly important that the Council and NHS Havering worked in close partnership with each other to improve health outcomes for local people. The joint appointment of a Director of Public Health was seen as one of the main ways to achieve this. A recent review had established that 13 out of the 33 London Boroughs had appointed a joint Director of Public Health.

The appointment of a joint Director of Public Health would assist the Council in fulfilling its responsibilities in respect of health promotion and delivering appropriate health prevention for Havering’s communities and the report before members set out how this would be achieved.

Reasons for the decision:

To assist in the transition towards more joined up working with health to re-engineer processes and achieve greater co-ordination and a reduction in budgets long term.

Alternative Options considered:

Not looking at joint working with health.

Cabinet agreed:

1. To approve the job description of the Joint Director of Public Health as attached to the report at Appendix A.

2. To agree that the Joint Director of Public Health will be appointed on NHS terms and conditions using NHS appointment procedures and to note that the Deputy Leader of the Council, Lead Member for Social Care and the Chief Executive have been invited to sit on the appointments panel.

3. To agree an amendment to the Council's management structure to show the Joint Director of Public Health reporting in to the Chief Executive and to that postholder being a member of the Council's Corporate Management Team for all appropriate meetings.

4. To agree that the Chief Executive will exercise joint line management responsibilities for the new postholder, along with the Chief Executive of NHS Havering, other than in relation to contractual employment matters.
5. To agree the 2009/10 costs from the contingency and the 2010/11 costs as inbuilt growth.

6. To note the inbuilt growth will be reported to Council in accordance with the Constitution.

PROPOSAL TO MAKE THE LONDON BOROUGH OF HAVERING (BENJAMIN CLOSE ACCESS LAND TO HYLAND PRIMARY SITE) COMPULSORY PURCHASE ORDER 2009.

Councillor Geoff Starns, Cabinet Member for Education & Children’s Services, introduced the report.

It was reported that following the Council’s decision to locate the new school buildings for Hylands Primary on their detached playing field site, Granger Way, the Council was notified by the solicitors of the lease holders for the properties in Benjamin Close, that its clients had legal interests in the strip of land via limited company in front of the proposed pedestrian entrance to the site. The site owners have indicated they are unwilling to negotiate a disposal of the site to the Council.

The location of the proposed entrance is substantially more convenient than other routes for pupils who live to the south and west of the site. The alternative potential routes would in most cases involve longer journeys along roads that carry a degree of commuter traffic or involve traversing a narrow alleyway. It will also route children away from vehicle areas on site. In the circumstances compulsory purchase powers were needed to ensure that the optimum pedestrian access to the site could be achieved and it was noted that the cost of making the CPO, and the capital expenditure incurred would be a cost to the Council.

Reasons for the decision:

The purchasing of the strip of land in Benjamin Close bordering Hylands Primary, was to enable optimum pedestrian access to the new school site.

Alternative options considered:

Access to the site through Granger Way and Francis Bardsley School had been ruled out as described in the report before members.

Cabinet agreed to authorise:

1. the making of the London Borough of Havering (Benjamin Close access land to Hylands Primary site) Compulsory Purchase Order 2009 under Section 530 Education Act 1996, and the Acquisition of Land Act 1981 to acquire all legal
interests in the strip of land between the edge of the public highway in Benjamin Close and the Hylands Primary’s new site and shown on the plan in Appendix 1 to these minutes.

2. the Assistant Chief Executive, Legal & Democratic Services to alter the CPO so as to exclude any land/interests acquired prior to the sealing of the order.

3. the Assistant Chief Executive, Legal and Democratic Services to seal the order and to take all necessary steps, including the publication of all statutory notices, to secure confirmation of the order.

4. the Assistant Chief Executive Legal and Democratic Services (in the event that the Secretary of State notifies the Council that it has been given the power to confirm the Order) to confirm the Order and take all steps necessary to secure possession of the land if she is satisfied that it is appropriate to do so.

5. the Head of Asset Management, both in advance of and after the making and confirmation of the CPO, to arrange for negotiations to proceed with the owners of leasehold interests and rights in the land with a view to acquiring those interests and rights by agreement if possible but thereafter by determination, and to pay such compensation for the acquisition of the interests and rights as may be proper and reasonable.

6. the Lead Members for Children’s Services and Resources, in conjunction with the Chief Finance Officer and Director of Social Care and Learning to agree the funding streams for the acquisition of land/CPO and associated fees.

38 EXCLUSION OF THE PUBLIC

Cabinet decided on the motion of the Chairman that the public should be excluded from the remainder of the meeting on the ground that it was likely that, in view of the nature of the business to be transacted, if members of the public were present there would be disclosure to them of exempt information within the meaning of paragraph 3 of Schedule 12A to the Local Government Act 1972 and it was not in the public interest to publish the information.
Councillor Geoff Starns, Cabinet Member for Education & Children’s Services, introduced the report.

Cabinet were reminded that they had previously decided to fund the creation of new school buildings for Elm Park and Hylands and enlarge Gidea Park to two form entry as an outcome of the Primary Modernisation Review.

Subsequently Cabinet had approved a two stage tender approach for the Gidea Park building works.

Cabinet received a report and supplementary information on the tendering process, the tenders received, and on the outcome of the tender evaluation. This included information around the formal decision on the commencement of the process.

Reasons for the decision:

Elm Park and Hylands: Wates scored significantly higher than the other contractors on the agreed selection criteria and thus was recommended for acceptance.

ICT Works: The contractor’s experience and ability to deliver solutions to the primary school sector and the support they offered to schools was backed up by evidence presented as part of the evaluation exercise.

Alternative options considered:

None.

Cabinet agreed to:

a) Retrospectively grant permission to begin the tender process for the construction of new buildings for Elm Park Primary and Hylands Primary

b) Accept the tender from Wates Ltd. for Elm Park Primary

c) Accept the tender from Wates Ltd. for Hylands Primary

d) Retrospectively grant permission to begin the tender process for ICT works for Elm Park Primary, Hylands Primary, Gidea Park and Towers Junior schools.
e) Accept the tender from Research Machines Ltd for ICT works at Elm Park, Hylands, Gidea Park and Towers Junior schools.

RITA GREENWOOD, GROUP DIRECTOR, FINANCE AND COMMERCE

Members made reference to this being the group director’s last cabinet meeting as she was standing down after none years with the Council and the Leader of the Council on behalf of colleagues thanked her for her efforts and work for and on behalf of the Council.
Cabinet Member: Councillor Barry Tebbutt

Relevant Overview & Scrutiny Committees: Environment Overview & Scrutiny Committee

This is not a key decision

This is not a strategic decision

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: HAVERING’S HIGHWAY TREE STRATEGY

SUMMARY

The Highway Tree Strategy (HTS) sets out objectives, targets for delivery and procedures for the effective and efficient management of the highway tree stock.

The HTS seeks to balance the needs of customers, who expect a high level of service, with the desire to preserve the tree stock for future generations to reap the benefits and to enjoy the environmental and visual benefits of a well managed and maintained tree stock.

RECOMMENDATION

Approve the adoption of Havering’s Tree Strategy (HTS) as a method of maintaining, enhancing and eventually increasing the highway tree stock.
Background

The role trees play in the modern urban environment and their role in the adaptation of climatic change is well documented and understood. The highway tree stock is a significant feature of Havering and a unique component of the urban landscape.

The HTS recognises this natural resource and is meeting the challenge of developing a range of strategies and goals in the Living Ambition – A New Vision for Havering, including the goal for Environment: To ensure a clean, safe and green borough and how natural assets such as highway trees are managed in the long term.

This Strategy sets out the framework for the maintenance and management and ultimately the enhancement of the highway trees in the Borough and defines the management approach for the safe and useful life expectancy for the Council owned tree stock.

There are links to the Highways Asset Management Plan (HAMP) due to the impact trees have on the highway infrastructure, particularly when determining the Lifecycle and Investment Planning of the public highway and its five key stages:

- Creation or acquisition - Provision of trees within a street
- Routine maintenance - routine pruning
- Renewal or replacement - Replacement of diseased or fallen trees
- Upgrading – Replacement of a young tree with a mature specimen
- Disposal – Felling and removal of trees within a length of street

The Highway Tree Database, which is linked to GIS, records pruning history of the tree stock and provides management information that informs further maintenance programmes. Further additional links with the HAMP will be possible when the proposed acquisition of the Mayrise IT system is finalised, ensuring on line reporting will be available for both sections of StreetCare.

The HTS also has further tangible links with the HAMP and the IT systems used, through the highways inspection regimes which identify mobility and access issues, with particular reference to root disturbance of the footway and carriageway with possible resulting trip hazards and the maintaining of minimum width requirements on the footway.

The HTS sets out the foundations for continued successful management of the Highway tree stock overall and will be reviewed every 3 years to ensure it continues to deliver against the standards required. It will provide the framework for the maintenance and enhancement of the highway trees in the Borough and define the management approach for the safe and useful life.
expectancy for Council owned tree stock. It presents the public with a clear strategic aim and reasons why decisions and actions are taken. Furthermore it provides a vision for the enhancement of the tree stock that ensures the Borough will maintain a healthy highway tree stock within the considerations of Living Ambition – Aiming for the highest quality of life in London.

Financial Implications and risks:

The HTS will enable a more strategic and structured approach to investment in Havering’s highway tree stock. It will also highlight the role our partner contractors will play in conjunction with the StreetCare Tree Team in maintaining the tree stock through scheduled pruning regimes as identified and priced in the contract schedule of rates. The current expectation using the schedule of rates is for the annual budget of £346,000 to fully meet the pruning requirements of the tree stock.

Legal Implications and risks:

The HTS will mitigate risks through clear policies and a structured management and maintenance regime.

IT Implications and risks

The increased exploitation of GIS and existing StreetCare back office systems will support delivering the Highway Tree Strategy’s objectives. Increased use of existing technology will need to be planned in conjunction with Business Systems and any new technology implementation will be subject to producing a robust business case.

Human Resources Implications and risks:

None

Equalities and Social Inclusion Implications and risks

None

Reasons for the decision:

The adoption of the Highway Tree Strategy (HTS) will be the first step taken by the London Borough of Havering towards a more rational, justifiable and transparent approach to managing and maintaining the highway tree stock.
Alternative options considered:

None, as there are no alternatives to providing a Tree Strategy

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E-mail address  john.gross@havering.gov.uk

CHERYL COPPELL
Chief Executive

Background Papers List
Trees in Towns II – Communities and Local Government – copies of which can be found at:
www.communities.gov.uk/documents/planningandbuilding/pdf/treesintownsiipdf
LONDON BOROUGH OF HAVERING
StreetCare – Environmental Maintenance
Tree Strategy 2009 - 2019
## Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>3</td>
</tr>
<tr>
<td>1 The amenity and environmental value of trees in the urban context</td>
<td>5</td>
</tr>
<tr>
<td>1.2 Biological</td>
<td>5</td>
</tr>
<tr>
<td>1.3 Non-biological</td>
<td>5</td>
</tr>
<tr>
<td>2 Need for a Strategy</td>
<td>6</td>
</tr>
<tr>
<td>3 Strategic Aim</td>
<td>6</td>
</tr>
<tr>
<td>3.1 Objectives</td>
<td>6</td>
</tr>
<tr>
<td>4 Street Trees</td>
<td>7</td>
</tr>
<tr>
<td>5 Street Trees and Highway Management &amp; The Highway Asset Management Plan (HAMP)</td>
<td>7</td>
</tr>
<tr>
<td>6 Cyclical Maintenance Programme</td>
<td>8</td>
</tr>
<tr>
<td>7 Contract Management &amp; Management Information</td>
<td>9</td>
</tr>
<tr>
<td>8 Tree Removal</td>
<td>9</td>
</tr>
<tr>
<td>9 Vehicle Crossovers</td>
<td>10</td>
</tr>
<tr>
<td>10 Phased replacement of inappropriate street trees</td>
<td>11</td>
</tr>
<tr>
<td>11 Tree planting, Species Selection and Sponsorship</td>
<td>12</td>
</tr>
<tr>
<td>12 Tree Problems</td>
<td>12</td>
</tr>
<tr>
<td>13 Trees and Subsidence</td>
<td>13</td>
</tr>
<tr>
<td>14 Privately owned trees</td>
<td>14</td>
</tr>
<tr>
<td>14.1 Tree Preservation Orders and Trees in Conservation Areas</td>
<td>15</td>
</tr>
<tr>
<td>14.2 Trees and Development</td>
<td>15</td>
</tr>
<tr>
<td>14.3 The Making of New Tree Preservation Orders</td>
<td>15</td>
</tr>
<tr>
<td>14.4 Enforcement of Unauthorised Tree Works</td>
<td>16</td>
</tr>
<tr>
<td>15 Climate Change</td>
<td>16</td>
</tr>
<tr>
<td>16 Community Engagement</td>
<td>17</td>
</tr>
<tr>
<td>17 Tree Planting and Replacement Programme</td>
<td>17</td>
</tr>
<tr>
<td>Appendix 1 - Cyclical pruning schedule</td>
<td>19</td>
</tr>
<tr>
<td>Appendix 2 - Tree Strategy Policies</td>
<td>21</td>
</tr>
<tr>
<td>Appendix 3 – Tree Subscription Species</td>
<td>23</td>
</tr>
<tr>
<td>Appendix 4 - Equality Impact Assessment</td>
<td>26</td>
</tr>
</tbody>
</table>
Introduction

Trees are a significant feature of Havering, a unique component of the urban landscape and as living organisms are vulnerable to pest and disease, vandalism, accidents and development. Many trees are long lived, offering enjoyment and diversity of benefits to residents today and for future generations. To ensure their continuing contribution to the urban landscape it is essential that their needs and requirements are understood and planned for.

Natural resource strategies rarely stand in isolation. For this reason, Havering Council is meeting this challenge by developing a range of strategies and goals in the Living Ambition – a new vision for Havering, including the goal for Environment, To ensure a clean, safe and green borough and how natural resource assets such as highway trees are managed in the long term.

There are links to the Highway Asset Management Plan (HAMP) due to the role and impact trees have on the highway infrastructure, particularly when determining the Lifecycle and Investment Planning of the public highway, as shown.

<table>
<thead>
<tr>
<th>Lifecycle Stage</th>
<th>Example for carriageways</th>
<th>Example for Street Lighting</th>
<th>Example for trees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Creation or acquisition</td>
<td>Provision of a new road as part of a housing development</td>
<td>Provision of street lighting where no lighting previously existed</td>
<td>Provision of trees within a street</td>
</tr>
<tr>
<td>Routine Maintenance</td>
<td>Street cleansing</td>
<td>Bulk change of lanterns</td>
<td>Annual routine pruning</td>
</tr>
<tr>
<td>Renewal or replacement</td>
<td>Replacement of the road surface</td>
<td>Replacement of columns in a street with those of a similar specification</td>
<td>Replacement of a diseased or fallen tree</td>
</tr>
<tr>
<td>Upgrading</td>
<td>Improvement of the road surface to cater for heavier vehicles, for example if the road becomes a bus route</td>
<td>Replacement of columns in a street with those of an improved specification</td>
<td>Replacement of a young tree with a mature specimen</td>
</tr>
<tr>
<td>Disposal</td>
<td>Removal of a redundant street as part of a traffic scheme (rarely happens in practice)</td>
<td>Removal of street lighting within a street (this rarely happens in practice)</td>
<td>Felling and removal of trees within a length of street</td>
</tr>
</tbody>
</table>
Additional links with the HAMP and the inspection regimes associated with it are also evident when considering how highway trees impact on access and mobility issues on the public highway, with particular reference to root disturbance of the footway and carriageway with possible resulting trip hazards and the maintaining of minimum width requirements on the footway. These items are dealt with through the highway inspection schedules and ensure accessibility and safety issues are constantly monitored and rectified as appropriate.

This Tree Strategy will provide a framework for the maintenance and enhancement of the highway trees in the Borough and define the management approach for the safe and useful life expectancy for the Council owned tree stock. It presents the public with a clear strategic aim and reasons why decisions and actions are taken through the policies as laid down in this strategy. Furthermore, it provides a vision for the enhancement of the tree stock that ensures the Borough will maintain a healthy highway tree stock within the considerations of Living Ambition – Aiming for the highest quality of life in London.
1. The amenity and environmental value of trees in the urban context.

1.1 The value of trees in the urban context falls into two categories, biological and non-biological.

1.2 Biological

1.2.1. All plants “fix” carbon in producing carbohydrates. Trees create shade from the leaves which cools the heat absorbing highway surfaces. The leaves can filter some airborne pollution and particulates. Trees provide important habitat for urban wildlife such as birds, invertebrates and some mammals.

1.2.2. A tree lined street signifies the changing seasons in an often otherwise season-less environment.

1.3 Non-biological

1.3.1 The presence of trees makes the harsh “concrete jungle” of the urban environment more acceptable. They create green corridors along the highway and provide an attractive and more aesthetically pleasing environment.

1.3.2. Trees are integral and historic component of the urban landscape. They contribute to the local character and define a sense of place.

The sum of all these benefits defines the amenity value of trees.
2. Need for a Strategy

2.1. The Council owns an estimated 20,000 Highway street trees. Setting out how the Council will manage its highway tree stock is both a practical and helpful guide to residents as well as an aid to good service management by the Council. This strategy is also a response to guidance from the Department of Communities and Local Government, Trees in Towns (II) 2007, which promotes good practice for local government.

2.2. There are responsibilities associated with ownership of trees. Some of these are legal duties as in the case of Tree Preservation Orders which are generally for trees within private ownership, others are in the interests of good husbandry and Health and Safety.

2.3. The Council has a duty of care on the trees that it owns and hence seeks to be a responsible owner by maintaining trees reasonably within the wide range of pressures and demands it faces.

2.4. This tree strategy will ensure that the management of trees within Havering Borough will be dealt with in a co-ordinated, accountable manner. The overall standard of tree care will improve resulting in a healthier, more sustainable tree stock. The plans and policies laid down in the strategy will increase environmental, economic and social benefits and encourage community involvement in tree management. The strategy will also be aligned to the Highways Asset Management Plan (HAMP), ensuring a cohesive and consistent approach to management and maintenance of the public highway.

3. Strategic Aim

3.1. To preserve, improve and secure the Councils highway trees for current and future generations.

3.1 Objectives

3.1.1. To manage the Highway tree stock in accordance with good arboriculture practice.

3.1.2. To maintain the street trees on a regular cyclical basis using current best practice to reduce the amount of responsive works required.

3.1.3. To increase the stock of trees in aesthetically necessary and sustainable locations by taking advantage of different funding methods to include, specifically, private sponsorship through the Subscription Tree Scheme.
3.1.4. To reduce the number of inappropriately planted trees by their phased replacement.
3.1.5. To maintain a general presumption against the removal of trees, allowing felling only in accordance with good arboriculture and streetscape practice.

3.1.6. To inform and educate residents and businesses about the value of trees, and explore ways for greater involvement, consultation and support from residents and businesses in protecting our tree stock.

3.1.7. To promote and secure high quality tree planting and landscaping within new developments in order to maintain and enhance the Borough's local landscapes.

4. Street Trees

4.1. The Council is considered in law to be the owner of street trees that grow within the adopted highway and in consequence is responsible for them. It is empowered by the Highways Act 1980 to plant and maintain street trees.

4.2. Trees that are planted along the highways are an integral and historic component of the urban landscape and its architecture. They contribute to the local character and define a sense of place. They add aesthetic value by improving the overall appearance of the street scene; trees help filter traffic pollution, provide shade for car parking and habitat for urban wildlife.

5. Street Trees and Highway Management & The Highways Asset Management Plan (HAMP)

5.1. There can be a conflict between the need to manage the Council's highway infrastructure and the need to manage the Council's trees. From time to time maintenance works undertaken by statutory undertakers (gas, electricity, water etc) or pavement repair by one of the Councils partner contractors is necessary. This construction work is symptomatic of progress, both economical and social and therefore accepted.

5.2. When works are planned the Tree Officers will provide advice and information on the best way to minimise damage to street trees and to work in co-operation with those involved in construction. Where the needs of the street trees are patently disregarded the council will undertake to take appropriate action to ensure their protection.

5.3 The Highways Asset Management Plan (HAMP) details the assets and their maintenance, of the highway infrastructure components, and acknowledges the vital role street trees play. Section 5 of the HAMP, details how street trees impact upon street design, Health & Safety, routine and reactive maintenance.
programmes and the quality of the street scene and the need to consider their inclusion in the five Lifecycle Stages of the highway, Creation & Acquisition, Routine Maintenance, Renewal / Replace, Upgrading and Disposal.

6. Cyclical Maintenance Programme

6.1. The existing tree population is a valuable and desirable resource. Tree management encompasses the co-ordination of all maintenance operations to existing trees as well as new tree planting. The Council must balance the need to take a long term view of the future management of the tree stock, as well as addressing short term issues.

6.2. Street trees are inspected annually and where practical to do so, pruned on either a three or five year cyclical programme, dependant on size and species. All inspections are carried out by a qualified Tree Officer. During inspections information such as species, size, condition and suitable works are programmed into a tree inventory data base. The information contained in the database is used to keep management and topic records for each individual tree. This information can be used to plot the history of the tree for ongoing management, complaint, insurance queries Asset Management and Whole Life Costing exercises.

6.3. Tree pruning will be undertaken by qualified tree surgeons on a programmed ward-by-ward basis. Proactive, rotational management gives a fair and equitable approach as well as enabling ward members and residents advanced information of tree maintenance works.

6.4. Trees will not be pruned outside of the cyclical pruning programme unless there is a real risk of a health and safety issues or threat of legal action. This ensures a sound approach to management both financially and contractually.

6.5. In the case of newly planted trees, the maintenance and management of the tree continues for 1 year after planting. This includes regular watering during the summer months and regular inspection of the stakes and ties. These inspections are undertaken outside of the cyclical maintenance survey. Once the initial year has passed the tree is passed to the inspection regime.

Policy 1: To ensure street trees are inspected by a suitably qualified person on a yearly basis and maintenance works commissioned as necessary.
7. Contract Management & Management Information

7.1. The Council maintains its trees through the use of a contracted firm of arborists. The tree management contract was recently awarded for 5 years, commencing April 1st 2009, with an option to extend for a further 2 years. The successful contractor maintains all the Council’s highway tree stock.

7.2. This strategy will underpin the Tree Service with our current contractor and partners, City Suburban Tree Surgeons Ltd. The Tree Officer will be responsible for the day to day running of the contract and will ensure current best practice is being followed in partnership with City Suburban Tree Surgeons Ltd.

7.3 The Highway Tree Database, which is linked to GIS, records the pruning history of every highway tree and provides management information that informs further maintenance programmes. The Database is maintained by the Tree Team and is constantly up-dated to reflect current planned works, emergency and unplanned ad-hoc works. The GIS overlays identify tree locations and their relationship to street furniture, properties and all other aspects of the highway infrastructure.

8. Tree Removal

8.1 The Council receives a great many requests to remove trees. For example: installation of vehicle cross-overs, road traffic improvements, subsidence claims and specific removal of some species which are considered a nuisance. However, often it is only once a tree is removed that its value becomes apparent. Even after replanting the amenity lost can rarely be replaced.

8.2 The highway environment is a finite space for which there is intense competition from other services gas, water, electric etc. Planting opportunities after a tree is removed are becoming increasingly difficult as a new tree pit not only has to contend with the underground pipes and cables but also has the aerial competition from street lamps, traffic signs, vehicle sightlines etc.

8.3 There will be a resistance to the removal of trees unless there is sound arboriculture or risk related reason to do so. This may be dead, dying, diseased or structural damage. Or when a tree is deemed inappropriate for the location and there are resources available to replant with a more suitable species. Trees in a hazardous condition will be considered as an emergency and removed without notification to safeguard the public and property.
Policy 2: Requests for tree removal will be resisted unless the tree is deemed to be in a hazardous condition or causing significant damage to the highway infrastructure, proven structural damage to property, or is causing a significant nuisance such as excessive fruit fall, subject to inspection by a qualified Tree Officer.

9. Vehicle Crossovers

9.1. It is now usual for households to have one or more cars, and with this an expectation for the cars to be parked near to the house. For this reason, requests for a vehicle cross-over are commonplace. In some instances, installation of the cross-over is impossible given the presence of a street tree, in such circumstances, the Council is requested to remove the tree.

9.2. In line with Policy 2, trees will not normally be removed to accommodate new vehicular access unless there is good arboriculture reason to do so, or the resident requires easier access due to disability. In any case, where cross-over works are approved by the Council and which approve removal and replacement of street trees, the full cost of all such tree works will be borne by the applicant.

9.3. The existing vehicle crossover policy used by the Area Liaison Officers when dealing with an application that is affected by a highway tree states:

- First check if there is an alternative possible means of access to the property. For example, the property may already have another crossover and the application is requesting a second for "in" and "out" purposes. Or, access to the property from the rear (eg. A service alley) may be possible. This may not be the applicant's preferred option, but it does save the tree and so the application is refused and the applicant advised of the alternatives. An alternative is that a sub-standard width crossing be considered. The standard width for a crossing is currently 2.7m (9'). However, in order to save the tree, a reduced width of 2.4m (8') can be considered, or even 2.1m (7') in cases of particularly exceptional need, ideally combined as a double crossing with a neighbour.

9.4. Where an application to remove a tree arising from a vehicle cross-over request is agreed, the size of the tree removed will dictate the number of new trees required. i.e. Young = 1 tree, medium = 3 trees, large = 5 trees. The current replacement and 1 year maintenance cost is approximately £150.00 per tree (this figure will be subject to an annual inflation increase). All trees being replanted will be of extra heavy stock size wherever possible.
Policy 3: On application for a vehicle cross-over the Tree Officer will be consulted for their view on amenity. If the tree is of high amenity value the application will normally be refused. However, if the applicant has access difficulties due to proven disability, the request will be assessed according to need.

10. Phased replacement of inappropriate street trees

10.1 In some situations maintenance and associated problems of a tree are so great that removal and replacement can not only improve the environment for residents, but avoid substantial financial liabilities for the Council.

10.2 Thoughtful planned removal of trees reaching the end of their safe useful life expectancy and replanting with appropriate replacements will promote a tree population age structure that is sustainable. This long term approach to street tree management will produce long term improvements to the environment, reduce maintenance costs and release resources to improve the street tree resource as a whole.

10.3 Short and long term benefits to the local community and the Council can be gained through phased removal. Sometimes it will be appropriate to replace over mature street trees requiring frequent expensive maintenance and replace with either younger trees of the same species or more suitable species.

10.4 Identification of trees for phased removal and replacement will be carried out with due consideration to all factors, including proximity to buildings, species choice for replanting and the amenity value trees provide. The phased removal and replanting process will be evaluated objectively.

10.5 In conjunction with the phased removal of trees as part of the longer term strategy there may be a need to phase the actual removal of the larger trees over two years to reduce the possibility of heave, or a straight fell and removal depending on local circumstances. The phasing of the actual works will result in the crown being removed on the first year and the trunk and stump being ground out to an acceptable level below the surface in the second year.

10.6 Where a tree is removed, reinstatement of the footway surface will be carried out using appropriate materials that match existing where possible to do so.
11. Tree planting, Species Selection and Sponsorship

11.1 There are cases where a tree has been planted which are out of keeping with the main species on the rest of the street. If the opportunity arises the tree may be removed and replaced with the principle species. Replacement of forest type trees with small ornamental species reduces future maintenance costs and nuisance complaints, but there must be a consideration to the contribution that large trees make to the character of the environment.

11.2 Nurseries are developing specialised trees for planting within the street scene. As a result the list of species available for planting in urban areas is growing. The variety of foliage, colour, form and flower is far more extensive than it has ever been. Havering Council is committed to increasing the number of street trees implementing imaginative species and planting projects.

11.3 There is a general presumption by the public that when the Council removes a tree it will replant with a new tree soon afterwards. However, in order to preserve and improve the existing tree stock, the annual revenue budget will be utilised in maintaining the remaining tree stock. Any planting that is carried out in the street is paid for by one of three methods: Private sponsorship, Capital funded programmes, or Section 106 payments through the planning system. From time to time grants become available and where appropriate officers will make applications to access such grants for the installation of additional trees. However, long-term future planning should consider this budgetary implication to ensure the percentage of tree cover within Havering is not only maintained but increased and meets the goals for the Environment contained within the Living Ambition – a new vision for Havering and is noted in section 17.

Policy 4: Priority will be placed on the replacement of over mature tree stock, planting more appropriate species where possible in a more suitable location, while promoting public awareness of tree management and maintenance.

12. Tree Problems

12.1 People often live in close proximity to trees, particularly in urban areas. Trees can cause inconvenience to residents when they grow near dwellings. A dilemma often occurs when the tree makes an important contribution to the local environment but also causes inconvenience to those living nearby.
12.2. With any population of trees there are a number of common sources of complaint including overhanging branches, shade, leaf/fruit fall, obstruction and physical damage etc. Many of these problems can be dealt with through the Councils cyclical pruning programme.

12.3 Tree roots disrupting the footway to a small degree is a common problem associated within the urban environment. Many trees are removed each year for various reasons including drought and pollution stress. It is for this reason that the Council is reluctant to remove healthy trees due to minor footway disturbance. StreetCare Area Liaison Officers who inspect the footway can action repairs to damaged footways as necessary and may wish to resurface disturbed areas. However, where the disturbance to the footway is significant and deemed dangerous, the final course of action will be removal of the tree if no alternative options are available. This action will only take place after inspection by the Senior Arboricultural Officer who will agree the correct course of action.

**Policy 5**
There will be a presumption against the removal or pruning of trees which are healthy but subject to complaint (e.g. branch and root trespass, loss of TV/satellite signals, alleviation of bird mess, seed fall, honey dew, leaf or fruit fall, loss of light etc) unless the basis of the complaint is an overriding justification and no alternative management practice can be implemented.

13. **Trees and Subsidence**

13.1 A common concern for homeowners is potential structural damage by tree roots. This type of damage mostly occurs in areas where the soil type is heavy, shrinkable clay, which is prone to fluctuations in volume caused by changing soil moisture levels. There has been a lot of concern about tree roots and structural damage in recent years. Much of this is unsubstantiated and the incidence of proven tree root related claims against the Council remains low despite the level of tree cover and much of the area having clay soils.

13.2. Nevertheless, subsidence is a concern to householders and will remain at the forefront in the light of unpredictable and erratic weather patterns as a result of climate change. It presents a potential liability to the Council with high financial consequences.
13.3. In order to reduce this risk the cyclical pruning schedule will take into consideration the management regime which may result in selective removal of street tree stock, in areas predisposed to building movement, where appropriate.

13.4. Alleged cases and claims of tree root damage are dealt and co-ordinated by the Council’s insurance department. The insurance department will seek advice from the Council’s Tree Officer. This will usually involve a site inspection by the Tree Officer taking note of supporting documentation. A short report is prepared for the insurance department who will deal with any further communication between the agents. Any structural reports which are outside the expertise of the Tree Officer will be scrutinised by an appropriate adviser for comment to the Council’s insurance department who will co-ordinate the Council’s response on these matters.

13.5. Unwarranted claims based on poorly investigated or inaccurate evidence will be challenged.

13.6. Where required an independent assessment will be sought in conjunction with our insurers in order to determine the type of appropriate action required, if any.

13.7. Vegetation control is usually the first practical step that can be taken to alleviate homeowners concerns and there is increasing pressure to do so. The demands from insurance claims come from closing the gap between retaining the tree, assessing liability and having to remove the tree by way of mitigation.


**Policy 6: Respond to investigations for insurance claims within 4 working weeks and to take appropriate action to mitigate risk posed by a street tree in relation to structural damage.**

14. Privately owned trees

14.1. A majority of the Boroughs tree stock is located within privately owned property, gardens and communal grounds. These trees form a very significant part of the Borough’s local landscape and make a large contribution to visual public amenity. This Tree Strategy is not primarily concerned with privately owned trees. The Council’s policies on these trees are part of its planning and development control policies. This section is included for completeness and gives an overview of how the Council supports the management of these trees.
14.1 Tree Preservation Orders and Trees in Conservation Areas

14.1.1 Havering is fortunate in not only having a large number of woodlands but also a large number of trees or small groups of trees interspersed within the built environment. Woodlands and trees make an important contribution to visual amenity, biodiversity and in some cases, provide recreation opportunities. Many copses in particular ancient woodland and secondary woodland are protected as either sites of Specific Scientific Interest or of Metropolitan or Local Importance.

14.1.2 The Council has a statutory duty to protect trees, which make a significant contribution to visual public amenity, and has powers under the Town and Country Planning Act 1990 to regulate works to trees and prevent unnecessary felling or inappropriate pruning through the introduction of Tree Preservation Orders (TPO), the processing of tree works applications for TPO trees, and tree works notifications for trees situated within a Conservation Area (TCA).

14.2 Trees and Development

14.2.1 The Council seeks to achieve successful and satisfactory retention of trees within new development in the Borough. Trees may occupy a significant part of a development site and can have a major influence on the design and layout of a new development. Poorly designed schemes in relation to trees may be resented by future occupiers and will place pressure for trees to be pruned or removed. The Council aims therefore to promote the use of good practice and place trees at the front of the design process.

14.2.2 The Council has powers to impose conditions upon the grant of planning permission for development, to ensure that existing trees worthy of retention are protected and not damaged during and/or after construction.

14.2.3 If, due to development work, there are no alternative options other than to remove trees, the amenity value of the tree will be taken into account when deciding the replacement ratio and cost (as shown in 9.3)

14.3 The Making of New Tree Preservation Orders

14.3.1 The majority of new TPO’s are made as a result of planning applications for new development. The Council also receives a number of requests each year from local residents to protect individual or groups of trees which are considered important to the borough. Trees nominated for Tree Preservation Orders are assessed to determine their health and degree of visual public amenity value.
14.4 Enforcement of Unauthorised Tree Works on the Public Highway

14.4.1. It is an offence to prune, remove, or wilfully allow or cause damage to a protected tree, or a tree on the public highway. The Council will use its relevant statutory powers to enforce and where appropriate prosecute the unauthorised pruning or removal of protected or highway trees.

15. Climate Change

15.1 There is a general consensus amongst experts that temperatures will increase in future years. There will be more dramatic variations in weather events such as floods, storms, warmer drier summers and warmer, wetter winters. Estimates suggest that by 2050 temperatures across the British Isles will have increased by >1.5 degree centigrade. There will be changes in the hydrological regime leading to a greater risk of flood from sea, rivers and surface water drainage.

15.2 Urban areas will warm more than rural ones because buildings absorb heat. The concentration of buildings and urban areas leads to the formation of urban heat islands. This is where the night time temperatures are higher, there is a restriction in winds which disperse pollutants and increased water run-off from roads and pavements.

15.3 Trees in urban situations play a significant role in the adaptation of climatic change. They can counter poor air quality by effectively locking up pollutants in the biomass. Trees can be used to shade and cool buildings, and absorb excess rain water.

15.4 When changes in soil moisture occur below the foundation level of buildings it can lead to subsidence. Tree roots are often blamed for subsidence and therefore removed. A clearer understanding of the mechanism of damage and how it can be prevented is needed particularly if trees are to be sited close to buildings in order to benefit from their shading and cooling functions.

15.5 Many of our most notable tree-lined streets have tree populations that are mature to over-mature. Such trees, because of their age, are vulnerable to climatic variations such as drought, disease and damage. An over-mature population of street trees tends to erode gradually over a number of years as individual trees decline and have to be removed. New trees should be introduced
wherever possible to ensure that there will be continuous tree cover in future years.

16. Community Engagement

16.1 It is important to communicate to the local community why changes and decisions are made, and to provide an opportunity for those to have involvement if they wish to do so. This may be by sponsoring or adopting a tree in their street.

16.2 The Council gets many requests for either a new tree to be planted or to replace a dead specimen. The Subscription Tree Scheme is a positive initiative to enable the expansion of tree stock within the financial constraint of the need to utilise existing revenue budgets to maintain the remaining tree stock. This situation is unlikely to change in the foreseeable future.

16.3 However, there are practical and statutory reasons why residents cannot plant trees of their own accord along the highway. The Subscription Tree Scheme offers the resident the opportunity to request a tree is planted at an appropriate location, which may or may not be outside their property. The resident will pay for a tree (from a species list supplied by the Tree Officer – Annexe 3) to be sourced, planted and cared for, for the required 1 year maintenance period by the Council.

16.4 The cost of the Subscription Tree Scheme is not fixed and will respond to any changing circumstances. The current costs and processes will be published each year.

Policy 7: Every effort will be made to encourage initiatives such as the Subscription Tree Scheme

17. Tree Planting and Replacement Programme

17.1 There has been a gradual decline in the highway tree stock over a number of years, with the budget provision being fully utilised in maintaining the remaining trees. However, it would be prudent to seek additional funding to implement a replacement planting programme that would enable tree numbers to increase, and help to contribute towards the Council’s Living Ambition – Aiming for the highest quality of life in London, of which the Environment, Cleaner Greener and Safer initiative is an integral element. Further reports on this topic will be considered in future.
Policy 8: To actively seek a dedicated tree replacement and planting budget
Appendix 1 - Cyclical pruning schedule

The table below shows the first 9 months of the year and the number of trees that will be inspected and pruning requirements ascertained, depending on condition, diseases, damage and budget demands. Detailed information regarding each road's tree stock is maintained by the StreetCare tree team.

3 & 5 Year Pruning Programme 2009 - 2010

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| **MAY ‘09**            |                 |                |               |               |
| Harold Hill            | Gooshays        | 242            | 130           | 372           |
| Harold Hill            | Heaton          | 66             | 88            | 154           |
| Emerson Park & Harold  | Harold Wood     | 45             | 45            |               |
| **Totals**             |                 | 353            | 218           | 571           |
| **TOTAL MAY**          |                 | 571            |               |               |

| **JUNE ‘09**           |                 |                |               |               |
| Elm Pk & Hylands       | Elm Park        | 41             | 103           | 144           |
| Elm Pk & Hylands       | Hylands         | 78             | 146           | 224           |
| Hornchurch             | St. Andrews     | 28             | 28            |               |
| **Totals**             |                 | 147            | 249           | 396           |
| **TOTAL JUNE**         |                 | 396            |               |               |

<p>| <strong>JULY ‘09</strong>           |                 |                |               |               |
| Hornchurch             | Hacton          | 71             | 123           | 194           |
| Hornchurch             | St. Andrews     | 42             | 258           | 300           |
| Elm Pk &amp; Hylands       | Elm Park        | 37             | 37            |               |</p>
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Appendix 2 - Tree Strategy Policies

Policy 1
To ensure street trees are inspected by a suitably qualified person on a yearly basis and maintenance works commissioned as necessary.

Policy 2
Requests for tree removal will be resisted unless the tree is deemed to be in a hazardous condition or causing significant damage to the highway infrastructure, proven major structural damage to property, or is causing a significant nuisance such as excessive fruit fall, subject to inspection by a qualified Tree Officer.

Policy 3
On application for a vehicle cross-over the Tree Officer will be consulted for their view on amenity. If the tree is of high amenity value the application will normally be refused. However, if the applicant has access difficulties due to disability, the request will usually be granted.

Policy 4
Priority will be placed on the replacement of over mature tree stock, planting more appropriate species where possible in a more suitable location, while promoting public awareness of tree management and maintenance.
**Policy 5**
There will be a presumption against the removal or pruning of trees which are healthy but subject to complaint (e.g. branch and root trespass, loss of TV/satellite signals, alleviation of bird mess, seed fall, honey dew, leaf or fruit fall, loss of light etc) unless the basis of the complaint is an overriding justification and no alternative management practice can be implemented.

**Policy 6**
Respond to investigations for insurance claims within 4 working weeks and to take appropriate action to mitigate risk posed by a street tree in relation to structural damage

**Policy 7**
Every effort will be made to encourage initiatives such as The Subscription Tree Scheme

**Policy 8**
To actively seek a dedicated tree replacement and planting budget
Appendix 3 - Subscription Tree Species

1. **Acer ginnala ‘Amur Maple’**
   - One of the very best trees for autumn colour, when its foliage turns a stunning red, it is also very early into leaf in spring and produces yellow-white fragrant flowers in May. This is a small to medium tree with a rounded habit.
   - Mature height: 5 – 10m

2. **Alnus glutinosa ‘Common Alder’**
   - Medium tree with a conical habit producing yellow catkins in March. Very good for urban plantings. It thrives in all soils and tolerates air pollution. Being a native tree, it is a wonderful host to a wide range of wildlife.
   - Mature height: 15 – 20m

3. **Alnus incana Aurea ‘Alder’**
   - This is a slow growing tree. The young shoots and leaves are yellow, while the catkins have a distinctive red tinge. The bark turns orange during the winter. Good as a street tree and for parks and gardens. It does best in moist soil and semi shaded areas.
   - Mature height: 10 – 15m

4. **Betula pendula ‘Silver Birch’**
   - A medium tree with a conical, but semi weeping habit, the bark is white with horizontal lines and large, diamond shaped cracks as the tree matures. It grows well on most soils.
   - Mature height: 15 – 20m

5. **Betula albosinesis Fascination ‘Silver Birch’**
   - The dark green leaves, which are large for a birch, appear in April, along with a showy display of yellow catkins. It has an outstanding stem colour – orange peeling to pink and cream. This is a medium to large tree, becoming oval as it matures. It grows well on most soils.
   - Mature height: 10 – 15m

6. **Corylus colurna ‘Turkish Hazel’**
   - A large an imposing tree, rather columnar when young before broadening to a symmetrical pyramid on maturity. Notable for its textured, corky bark, it produces long yellow catkins in early spring and clusters of fringed nuts in autumn. It thrives in all soils.
   - **ONLY SUITABLE FOR WIDE VERGES –** Mature height: 20m+

7. **Crataegus laevigata Paul’s Scarlet ‘Hawthorn’**
   - It becomes smothered in double, red flowers in May. A good choice for urban planting and tolerant of air pollution. It does well in most soils, including very dry and wet soils.
   - Mature height: 10m

8. **Crataegus monogyna Stricata ‘Hawthorn’**
   - A tough Hawthorn, ideal for exposed situations. Very different from other Hawthorns in that it has a columnar habit with ascending branches, making it a very good street tree and ideal
for restricted areas. A good choice for urban planting and tolerant of air pollution. It does well in most soils, including very dry and wet soils.
Mature height: 10m

9. **Crataegus x prunifolia Splendens ‘Hawthorn’**
- A Hawthorn that looks particularly good in its autumn foliage. Red and gold autumn foliage is a striking feature of this small tree with a pyramidal habit. It also has characteristic white flowers and shiny, leathery, oval leaves. Tolerant of air pollution and it does well in most soils, including very dry and wet soils.
Mature height: 10m

10. **Prunus dulcis ‘Common Almond’**
- The Almond is one of the finest spring flowering trees. Well worth growing for its pink single and double flowers, which can reach up to 5cm across. A lovely subject for parks and gardens.
Mature height: 5 – 10m

11. **Prunus x hillieri Spire ‘Ornamental Cherry’**
- An outstanding columnar cultivar. This ranks as one of the finest of small street trees and it is also excellent in gardens and parks. With its tight, upright habit and profusion of pink flowers, it is ideal for most sites where space is limited. Rather slow growing.
Mature height: 5 – 10m

12. **Prunus Pandora ‘Ornamental Cherry’**
- A very free flowering tree it has a broadly columnar habit, becoming smothered by pale pink blossom in March and early April. The bronze red leaves become even more attractive in autumn. Very good for streets and gardens.
Mature height: 5 – 10m

13. **Prunus Royal Burgundy ‘Ornamental Cherry’**
- A really wonderful small tree of rounded form, which is delightful in parks and gardens. Its double shell pink flowers are set against beautiful, wine red foliage to create and eye-catching effect.
Mature height: 5 – 10m

14. **Prunus x schmittii ‘Ornamental Cherry’**
- This Cherry requires virtually no pruning. Remarkable for its polished, red-brown bark, this fast growing and conical tree is medium to large. It shows fine autumn colour.
Mature height: 10 – 15m

15. **Sorbus aria Lutescens ‘Whitebeam’**
- This Whitebeam is outstandingly attractive in spring. The young leaves emerge silvery-white from purple shoots in spring, before hardening to grey-green in summer. This is a small, compact, rounded tree, producing white flowers in April and May, and, in good years, orange-red cherry fruits in autumn. Very good for streets, gardens and parks.
Mature height: 10m

16. **Sorbus x arnoldia Schouten ‘Rowan’**
- A reliable, low maintenance Rowan. This is a great choice for streets and urban plantings. It is a small tree with a dense oval crown. It has most attractive, green, feathery foliage and golden yellow berries from August onwards.
Mature height: 10m
17. **Sorbus commixta Embley ‘Rowan’**
   - One of the finest of all Rowans. This small, columnar tree has foliage which colours later in autumn and lasts longer than other Rowans. This is complimented by glistening, orange-red berries, which are large. Very good for streets, avenues and urban plantings.
   - Mature height: 10m

18. **Sorbus intermedia ‘Swedish Whitebeam’**
   - A medium size tree with well formed, rounded crown, its single dark green leaves have silvery-grey undersides. White flowers in May give way to orange-red fruits, produced in small bunches. It is wind resistant and tolerant of calcareous soils and air pollution, making this s really tough tree. It is recommended for streets and avenues.
   - Mature height: 10 – 15m

19. **Tilia x euchlora ‘Caucasian Lime’**
   - This is a medium to large tree, and as aphids are not attracted to its dark green foliage, the associated ‘stickiness’ is not a problem. At its best when juvenile when it keeps a broadly pyramidal habit. At maturity it becomes densely twiggy and looses its shape. Suitable for urban planting.
   - **ONLY SUITABLE FOR WIDE VERGES** – Mature height: 15 – 20m

20. **Ulmus carpinifolia Wredei Aurea ‘Elm’**
   - Rather slow growing Elm. A tree of medium size and oval habit, it tolerates air pollution and salt-laden coastal winds. Its luminescent yellow foliage is particularly striking if planted in a semi shaded area or against a dark backdrop.
   - Mature height: 5 – 10m
## Appendix 4 – Equality Impact Assessment

### EQUALITY IMPACT ASSESSMENT TEMPLATE

#### Part ‘B’

This section should be used to formaly record the findings and results of your assessment. This section will normally be made available to the public.

<table>
<thead>
<tr>
<th>Title of Policy/ Function</th>
<th>Tree Strategy – StreetCare Environmental Maintenance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of Author</td>
<td>John Gross</td>
</tr>
<tr>
<td>Date of creation/review</td>
<td>12 / 01 / 2009</td>
</tr>
<tr>
<td>Version No.</td>
<td>1</td>
</tr>
</tbody>
</table>

### PLEASE OUTLINE THE RESULTS OF YOUR IMPACT ASSESSMENT BELOW

**B1** What are the aims and proposed outcomes of your policy/function?

To manage and maintain a healthy highway tree stock

**B2** What research has been undertaken?

None

**B3** What consultation has taken place? (who has been consulted, and by what method?)

(a) Internally within the Authority

StreetCare Arboricultural Team and Area Liaison Officers, Planning and Insurance Officers

(b) Externally
<table>
<thead>
<tr>
<th>B4</th>
<th>What feedback was received?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>None</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B5</th>
<th>What amendments, if any, have been incorporated into the policy/function to reflect that feedback?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>None</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B6</th>
<th>If changes were recommended but <em>not</em> incorporated, what justification is there for this?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N/A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B7</th>
<th>What monitoring arrangements are to be put in place (or already exist) to monitor the <em>actual</em> impact of this policy/function? What data is to be collected?</th>
</tr>
</thead>
</table>
Please consider the six diversity strands in answering the following questions:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>B8</strong></td>
<td>Does your analysis show different outcomes for different groups. If yes, indicate which groups and which aspects of the policy/function contribute to inequality</td>
</tr>
<tr>
<td><strong>NONE</strong></td>
<td></td>
</tr>
<tr>
<td><strong>B9</strong></td>
<td>Are these differences justified (e.g. are there legislative or other constraints)? If they are, explain in what way</td>
</tr>
<tr>
<td><strong>N/A</strong></td>
<td></td>
</tr>
<tr>
<td><strong>B10</strong></td>
<td>What actions need to be taken as a result of this Equality Impact Assessment to address any detrimental impacts or meet previously unidentified need? Include dates by which action will be taken. Attach an action plan if necessary</td>
</tr>
<tr>
<td><strong>NONE</strong></td>
<td></td>
</tr>
<tr>
<td><strong>B11</strong></td>
<td>When will you evaluate the impact of the action taken? Give review dates</td>
</tr>
<tr>
<td><strong>N/A</strong></td>
<td></td>
</tr>
</tbody>
</table>

**AUTHOR SIGN OFF**

<table>
<thead>
<tr>
<th>NAME</th>
<th>JOHN GROSS</th>
</tr>
</thead>
<tbody>
<tr>
<td>POSITION</td>
<td>STREETCARE GROUP MANAGER</td>
</tr>
<tr>
<td>DATE</td>
<td>12 / 01 / 2009</td>
</tr>
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</table>

**HEAD OF SERVICE SIGN OFF**

<table>
<thead>
<tr>
<th>NAME</th>
<th>BOB WENMAN</th>
</tr>
</thead>
<tbody>
<tr>
<td>POSITION</td>
<td>HEAD OF STREETCARE</td>
</tr>
<tr>
<td>DATE</td>
<td></td>
</tr>
</tbody>
</table>
Cabinet Members:
Councillor Michael Armstrong,
Cabinet Member for Housing, Public Protection and Regeneration
and
Councillor Eric Munday,
Cabinet Member for Finance and Commerce

This is a Key Decision
This is not a Strategic Decision

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: Better uses for under-used HRA sites

SUMMARY

1.1 This report seeks authority to take action to tackle the blight, anti-social behaviour and nuisance caused by the sustained under-use of a number of Housing Revenue Account, HRA, sites.

1.2 The report proposes that sites with low or limited demand be dealt with by means of (a) replacement with surface parking or another community use, (b) making them available for development of affordable, low density family housing and/or older and disabled people’s bungalows developed with particular regard to minimising the overlooking of existing residents’ gardens, or (c) remediation through other means should these options be unviable. It is noted in the report that the low demand for parking away from residents’ homes and the limited natural surveillance offered by many of the sites means that surface parking or other community uses are unlikely to be a realistic or sustainable option for a number of the sites.
**RECOMMENDATIONS**

2.1 That the under-used and/or vandalised Housing Revenue Account sites listed in this report are declared as being no longer viable for their existing use.

2.2 That in 2010/11 £50,000 of Planning and Development Grant (subject to availability) and £95,000 from the Strategic Reserve is allocated to continue to deliver this project.

2.3 That authority is delegated to the Lead Member for Finance and Commerce and the Lead Member for Housing, Regeneration and Public Protection to make funds available in the HRA Capital Programme from 2010/11 onwards for works to HRA sites to be retained by the Council in order to improve them for community and/or parking use where appropriate.

2.4 That authority is given to commence the process of procuring a development partner or partners for the provision of new housing, including affordable housing, on sites where this would be viable.

2.5 That the authority to negotiate sales of parts of sites to neighbours, convert sites for parking or other community use, or package sites for the purpose of disposal is delegated to the Head of Housing and Public Protection and the Strategic Property Manager.

2.6 That authority is delegated to the Lead Member for Finance and Commerce and the Lead Member for Housing, Public Protection and Regeneration to agree which of the disposal offers that are received should be accepted and to approve other uses of any sites where community use, parking or housing is not viable.

2.7 That it is resolved to use any receipts generated from disposal, net of the costs associated with disposal, for housing and regeneration purposes so as to guarantee that 100% of the receipts can be used in the borough, rather than having to surrender 50% of the receipts to the government for redistribution nationally.

**REPORT DETAIL**

3.1 Previous Cabinet reports have considered the distress and nuisance caused to neighbouring residents by Housing Revenue Account, HRA, sites that are under-used and/or have been vandalised.

3.2 Over recent years residents have increasingly wished to park their cars as near to their homes as possible to maximise ‘passive surveillance’ and minimise the distance they have to walk with young children, shopping and the like. As a result, the uptake of HRA garages has fallen.
3.3 In January 2006 Cabinet agreed a strategy that placed HRA garages in one of three bands. Where 66% or more of garages in the site were let those garages would be deemed High Demand. Where there was 33% - 66% occupation the garage site would be deemed Medium Demand. Finally, if 33% or less were occupied then the garage site would be deemed Low Demand.

3.4 To encourage greater uptake, prices were set on a sliding scale, with the lowest demand sites having the lowest rents. Unfortunately, this approach did not stimulate any appreciable uplift in demand for the Medium and Low Demand sites and consequently in January 2008 Cabinet approved that Medium and Low Demand sites where alternative uses may be more appropriate be identified.

3.5 In November 2008, Cabinet approved that the Housing and Public Protection Service should consider potential uses for 109 under-used / vandalised sites identified by this review. To assist in the consideration of options, a range of stakeholders’ views and interests were to be considered. To this end, the following factors were taken into account:

- a recent survey of the these 109 sites revealed that the vast majority, 94 sites (86%), were centres of anti-social behaviour of various types including fly-tipping, noise nuisance, car-related crime, break-ins and use of illegal drug activity

- the independent Housing Needs Study conducted by Fordham Research in 2006 indicates that there is a need for 875 additional affordable homes – rented and intermediate – in Havering, leaving a requirement of up to 340 new homes a year net of those helped into the private rented sector or whose homelessness has been prevented

- the borough has negotiated a three year new affordable housing target with the Mayor of London for 800 homes, or more should additional grant funding be available

- a postal survey of residents neighbouring the under-used / vandalised HRA sites only elicited a 21% response rate. While many would conclude that this indicates the vast majority, some 79%, of residents have no particularly strong views on the future use of their nearby site thus suggesting the Council can act with little or no further engagement with residents, arguably it is far better practice for the Council to continue the dialogue with local people as the most viable approach for each site is firmed up. This is the approach that officers advise. Residents will be consulted again if or when a planning application is made for a specific site.

3.6 The above findings indicate that as these HRA sites are in continued low demand they clearly remain a major source of nuisance to surrounding households. Therefore, the Council cannot stand aside and do nothing, nor can it reasonably divert scarce HRA resources from the Decent Homes programme which is providing much needed new
heating, roofs, kitchens and bathrooms for the Council’s 10,200 tenant households.

3.7 As a result, approval is now sought to commence a programme of remedial action, improvement and/or redevelopment activity. It is anticipated that the blight caused by under-used sites will be remedied by demolition of the existing structures on the sites and then the adoption of one of the following actions:

- replacement with surface parking. It should be noted, however, that the strong preference of many residents to park outside their own front doors, rather than remotely, as evidence by the low uptake of the garages in the first place will most likely preclude this as a viable option for most sites

- replacement as community amenity space, although as many of the sites have very limited natural surveillance they are ill-suited as safe play areas and could easily fall back into being magnets for anti-social behaviour

- housing development of an infill nature with low density family housing and/or older and disabled people’s bungalows developed with particular regard to minimising the overlooking of existing residents’ gardens and properties which can be considerable concern to residents

- possible other uses such as disposal of small plots to neighbouring residents to enlarge their gardens or on the open market should the other uses listed above be unviable.

3.8 The first stage of the review was to assess title to the full list of 109 sites and their demand levels. This exercise ruled out 25 sites due to either the Council not having full title or the demand level being high.

3.9 The locations of the sites for which alternative uses are now proposed are: Amersham Road (2 sites), Archway, Ashbourne Road (2 sites), Aylsham Lane, Bridgwater Road (2 sites), Brockley Crescent, Broseley Road, Burwood Gardens, Chaucer Road, Chaucer Road / Heaton Avenue, Cross Road, Daventry Road (5 sites), Deere Avenue, Dewsbury Road, Diban Court, Dorking Road, Dudley Road, Edenhall Road (2 sites), Faringdon Avenue, Fyfield Road, Hacton Parade, Halesworth Close, Hamilton Drive (3 sites), Harrow Crescent, Heaton Avenue (2 sites), Highfield Road, Keats Avenue (2 sites), Kempton Avenue, Kingsbridge Road, Leamington Close, Leamington Road, Lexington Way, Leyburn Crescent, Lodge Lane, Masefield Close, Navarre Gardens (2 sites), Neave Crescent, Orchis Way, Oxford Road, Penn Gardens, Plumpton Avenue, Preston Road (2 sites), Prospect Place (2 sites), Quarles Close, Redcar Road, Roseberry Gardens, Rush Green Road (2 sites), Sedgfield Crescent, Sevenoaks Close, Sheffield Drive, Smart Close, St Helens Court, Stirling Close, Straight Road (2 sites), Swindon Lane, Tansy Close, Theydon Gardens (2 sites), Tring...
Financial Implications and risks:

4.1 Work to improve and change the use of HRA sites being retained by the Council will need to be funded by either existing resources in the HRA capital programme or from any proceeds from the disposal of some of the sites. Provision for such works will need to be considered at the time of agreeing the 2010/11 HRA capital programme and the indicative programmes for 2011/12 and 2012/13.

4.2 It is necessary to resolve to use any receipts arising from the disposal of sites for housing and/or regeneration purposes so as to guarantee that 100% of the receipts can be used in the borough, rather than having to surrender 50% of the receipts to the government for redistribution nationally. To avoid confusion, it should be noted that in this context ‘regeneration’ has a wide definition including mainstream regeneration capital programmes such as parks and environmental works.

4.3 The successful delivery of a wide range of options across a significant number of sites will involve planning, strategic property, legal and housing service activity. In 2009/10, a budget of £50,000 has been allocated to this project from the Planning and Development Grant. Due to increased activity anticipated in 2010/11, it is here proposed to dedicate £50,000 of Planning and Development Grant to the project and £95,000 from the Strategic Reserve next financial year.

4.4 It is noted that the Housing and Planning Development Grant allocation for 2010/11 has not been received yet. Consequently, the £50,000 is subject to receiving an adequate grant allocation.

Legal Implications and risks:

5.1 There will need to be discussions with Homes in Havering regarding how any surface parking or other amenity use is managed and what arrangements there will be with tenants for its use.

5.2 For sites where housing development is appropriate, it will be necessary to carefully group sites together to create attractive packages for a range of developers. This may result in multiple procurement processes being run in parallel but using standardised documentation wherever possible. As such a 2 stage process would be appropriate to initially identify a group of potential developers who will then bid for one or more of the groups of sites. While the value of the overall project is such that normally bids would be reported to Cabinet for approval, because of the sub-division of the project into groups of sites the disposal of which may run at different speeds it is recommended that authority to accept bids is delegated to the relevant Lead Members.
Human Resources Implications and risks:

6.1 There are no Human Resources implications or risks.

Equalities and Social Inclusion Implications and risks:

7.1 The replacement of under-used or vandalised HRA sites with better parking, amenity space or affordable housing will provide opportunities for local people. Of note, many of the sites concerned are in areas of particularly high concentrations of council housing, thus, removing the blight of anti-social behaviour attached to many of the sites will be of particularly benefit to tenants.

Reasons for the decision:

8.1 Given the nuisance and blight caused by the under-use of the HRA sites, coupled with cost to the HRA in terms of lost revenue and works to minimise anti-social behaviour, the Council cannot reasonably stand aside and do nothing, nor can it divert scarce HRA resources from the Decent Homes programme which is providing much needed new heating, roofs, kitchens and bathrooms for the Council’s 10,200 tenant households. Therefore, there is an imperative to deal with each of the HRA sites by means of remedial works, improvements or new housing development.

Alternative options considered:

9.1 Divert resources from the Decent Homes programme to maintain the sites for their current use– rejected as there is no evidence of sustainable demand for garages and it is not considered reasonable or cost-effective to divert resources from the Decent Homes programme.

Staff Contact: Jonathan Geall
Designation: Acting Head of Housing
Telephone No: 01708 433 747
E-mail address: jonathan.geall@havering.gov.uk

CHERYL COPPELL
Chief Executive

Background Papers List

REDUNDANT HOUSING REVENUE ACCOUNT GARAGE SITES, Cabinet
19 November 2008
REPORT OF THE CHIEF EXECUTIVE

SUBJECT: DISPOSAL OF SNOWDON COURT

WARD: SQUIRRELS HEATH

SUMMARY

1.1 The purpose of this report is to seek approval for the disposal of this redundant Sheltered Housing Scheme to East Thames Housing Group for the development of an extra care housing scheme.

RECOMMENDATION

2.1 That it be agreed in principle to dispose of Snowdon Court at below open market value to the East Thames Housing Group in return for the development of a high quality extra care scheme for which the borough will receive 100% nomination rights to the affordable rented units.

2.2 That 40 of the units be available for direct referral by the Council’s Adult Social Care service for clients with higher care needs.
2.3 That the Cabinet Members for Finance & Commercial, for Housing, Regeneration & Public Protection and for Adult Services be authorised jointly to approve the final terms for the proposed disposal.

2.4 That the Property Strategy Manager, acting in consultation with the Assistant Chief Executive (Legal and Democratic Services,) be authorised to deal with all matters arising and thereafter to complete the disposal.

2.5 That it be resolved to use any receipts generated from disposal, net of the costs associated with disposal, for housing and regeneration purposes so as to guarantee that 100% of the receipts can be used in the borough, rather than having to surrender 50% of the receipts to the government for redistribution nationally.

REPORT DETAIL

Background

3.1 In July 2006 Cabinet gave in principle approval for the disposal of the Snowdon Court sheltered housing scheme in Gidea Park for the purpose of developing an extra care housing scheme. (see site plan at Appendix A)

3.2 Subsequently, all residents were moved to more suitable accommodation and the building is now boarded up although still suffers from anti-social behaviour and vandalism.

3.3 In November 2005 East Thames Housing Group, a Housing Association, was selected through a competitive process amongst a range of other Housing Associations to develop plans for extra care housing in the Borough. This process evaluated providers approach to design, management approach, organisational capacity, compliance with regulators and track record in delivering successful schemes.

3.4 The Council engaged with East Thames to draw up proposals for Snowdon Court and considerable work has been carried out to refine proposals whilst maximising the capital receipt available to the Council. A detailed specification of scheme features necessary for development of a modern extra care facility has been agreed between officers of the Housing and Adult Social Care services.

Demand Analysis

3.5 Critical to the decision to dispose of this site for an extra care facility is an understanding of the demand for and benefits of this type of accommodation.
3.6 In 2006 the Council’s Housing service commissioned an independent Housing Needs Survey for Older People from David Couttie Associates/Peter Fletcher Associates. The survey concluded that there was a need for additional extra care provision within the Borough to complement the existing purpose built scheme at Paines Brook Court and Ethelburga Court where services have been remodelled to provide extra care type provision.

Further analysis of the survey data found that:

<table>
<thead>
<tr>
<th>Older person’s housing need category</th>
<th>Number of 50+ years residents</th>
<th>% of 50+ years residents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Have older person’s housing and social needs that could be meet by extra care housing</td>
<td>5,728</td>
<td>11.1%</td>
</tr>
<tr>
<td>Have older person’s housing need and would like to live in a scheme / community with other older people</td>
<td>893</td>
<td>1.7%</td>
</tr>
<tr>
<td>Have older person’s housing need but would not like to live in a scheme / community with other older people</td>
<td>17,288</td>
<td>33.5%</td>
</tr>
<tr>
<td>Have no older person’s housing needs but would like to live in a scheme / community with other older people</td>
<td>227</td>
<td>0.4%</td>
</tr>
<tr>
<td>Have no older person’s housing needs and would not like to live in a scheme / community with other older people</td>
<td>27,434</td>
<td>53.2%</td>
</tr>
<tr>
<td><strong>All 50+ residents</strong></td>
<td><strong>51,570</strong></td>
<td><strong>100.0%</strong></td>
</tr>
</tbody>
</table>

‘Older person’s housing need’ relates to having difficulty in the home and/or having support needs.

3.7 At present there are only 87 extra care flats in the borough, located in the two schemes noted in paragraph 3.6 above which if taken with the figures above would indicate a substantial potential demand within the borough. It should be noted that the above figures will cover those whose extra care needs are best met by affordable rented and leasehold for the elderly tenures.

3.8 Furthermore, benchmarking with other local authorities suggests Havering could need between 300 and 400 units of extra care evenly distributed across the Borough.

3.9 In determining the extent and range of communal and scheme specific facilities referred to earlier the Council’s Adult Social Care service has based requirements on the position that the Council will have nomination rights for all flats and that Adult Social Care will have nomination rights to rented flats for individuals with high care needs (that is, needs ranging from care packages of over 21 hours a week to residential care needs).
Scheme Proposal

3.10 The scheme as proposed consists of 98 units split between two blocks rising to a maximum of 4 storeys. The blocks are to be separated by landscaping and parking areas. The larger block would contain a central atrium area which has a multi-functional use as both a lounge and activity space. Further amenity space for residents will be provided through the use of decked roof gardens with planters to create a safe and pleasant environment.

3.11 No day care facilities are proposed however it is considered that older residents in the local community would be able to make use of the scheme facilities for example by purchasing meals from the kitchen.

3.12 Fifty of the units would be for social rent with the remaining 48 units for shared ownership, limited to those in need of extra care accommodation. In the light of current housing market conditions no units are proposed for outright sale however it will be possible for residents over time to increase their share of dwellings purchased up to full ownership.

3.13 The Council will have 100% nomination rights to all the social rented dwellings and priority will be afforded to Havering residents purchasing shared ownership dwellings.

3.14 Rents will be in line with target rents set by the Homes and Communities Agency with an additional service charge to meet the proportional costs of upkeep for communal facilities. Shared ownership dwellings will be initially offered at 50% shares. The current open market values of these units are around £135,000 and £175,000 for 1 and 2 bedroom units respectively. The operation of shared ownership schemes also requires the payment of an annual equity rent of 2.75% of the unsold equity.

3.15 The proposed mix of unit sizes and tenures is set out below, although minor variations may be required as scheme details are finalised

<table>
<thead>
<tr>
<th></th>
<th>Number of Units</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1 Bedroom</td>
</tr>
<tr>
<td>Social rent</td>
<td>25</td>
</tr>
<tr>
<td>Shared Ownership</td>
<td>24</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>49</strong></td>
</tr>
</tbody>
</table>

3.16 It is proposed that marketing of the shared ownership dwellings will be on a cascade basis prioritising local residents. The details of the timescale and operation of the cascade will be agreed along with an overage agreement on sales values such that the Council will benefit from any uplifts in sales values over an agreed figure as the housing market recovers. These detailed provisions will be set out in the terms and conditions of disposal.
3.17 The scheme design is considered to make efficient use of space with appropriate levels of landscaping, communal facilities and amenity space for residents. This will ensure it will remain attractive to prospective purchasers, be fit-for-purpose into the future whilst making effective use of this Council asset.

3.18 Whilst the Council’s Planning officers have been involved in the scheme development, a detailed planning application will be required in due course which may require further amendments to the scheme design.

3.19 The scheme as proposed will contain a range of communal and scheme specific facilities including:
   o a catering kitchen
   o dining room/lounge
   o fitted out tea making areas for residents
   o buggy/scooter store
   o prayer space
   o multi purpose room suitable for therapy/hairdressing and the like
   o an assisted bathroom and a standard functional bathroom
   o staff sleepover room
   o guest suite
   o office.

3.20 Each of the dwellings is self contained and fitted with white goods with the costs recovered either through the sale price of the shared ownership units or via a separate service charge in the case of the social rented units. Individual dwellings will have showers but residents will have access to both a standard and assisted bathroom.

3.21 The scheme will also be designed to incorporate assistive technology, that is Telecare, both hard wired and wireless. Typically residents will also have access to standard pull cord alarms as well as pendants.

3.22 The catering service in the kitchen will be procured by East Thames as the project owner.

3.23 The provision of care and support services remain the responsibility of the Council and procurement of these services will be carried out in a timely fashion by the Council’s Adult Social Care service.

Disposal Conditions

3.24 The process of agreeing the detailed disposal conditions will be led by the Council’s Property Strategy Manager in accordance with recommendation 2.3. Details of the disposal value are set out in the Appendix to this report, containing exempt information.
Development Timetable

3.25 The table below shows an indicative timetable with key milestones for this scheme:

<table>
<thead>
<tr>
<th>Action</th>
<th>Timetable</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approval to Dispose</td>
<td>September 2009</td>
</tr>
<tr>
<td>Planning Application Submitted</td>
<td>January 2010</td>
</tr>
<tr>
<td>Planning Approval</td>
<td>March 2010</td>
</tr>
<tr>
<td>Start on Site</td>
<td>May 2010</td>
</tr>
<tr>
<td>Practical Completion</td>
<td>January 2012</td>
</tr>
</tbody>
</table>

Risk Analysis

3.26 Risk analysis has identified some key issues as below:

3.26.1 The potential to attract older people with care requirements from outside Havering into the shared ownership dwellings could increase the overall level of demand placed on Adult Social Care services. This will be mitigated by prioritising sales to local residents and agreeing a cascade arrangement and marketing strategy to maximise sales to existing local residents. The level of need demonstrated in the table under paragraph 3.6 would suggest this is a very low risk.

3.26.2 Insufficient demand could lead to voids or too many users with low care and support needs. Demographic data would suggest that there is more than sufficient demand within Havering to fill these spaces however it will be important to carefully manage carefully the initial process of allocation. The scheme should be attractive and therefore it is not felt that user or relatives will resist moves into the new accommodation.

3.26.3 Changes to personalisation and the move towards individual budgets could lead residents or their families to decide to spend outside of the care services contracted by the Council. This issue faces all new extra care schemes. As a new service customers will be exercising choice and control by moving to this service. It is anticipated that there will be a mandatory minimum level of service from the contracted provider, allowing individual budget holders or self payers to use any remaining funding to purchase bespoke services.

3.27 Overall it is evident that there is a clear demand in Havering for extra care housing and that it offers potential for an improved standard of living for some of the most vulnerable people in our community.

Conclusion

3.28 In summary this proposal is considered by officers to offer the opportunity to make strategic use of an existing redundant former sheltered housing scheme to meet a high priority need in the borough.
3.29 The project will deliver enhanced living accommodation for older residents in the Borough and provide opportunities for more efficient use of resources.

Financial Implications and risks:

4.1 It is acknowledged that developments of this type would not generally generate receipts at a level that could be achieved should the Council decide to market the site without restrictions. Further there will be a cost attached to the demolition of the existing buildings and to provide site hoardings. This will be met by the Developer. This proposal is to dispose of Snowdon Court for a capital receipt of less than market value (the figures are detailed as part of the detailed business case).

4.2 In order to ensure that 100% of the capital receipt generated by the sale of Snowdon Court can be used by the Council it is necessary to resolve to use it for Housing or Regeneration purposes. Without this resolution only 50% is usable, with the remaining 50% pooled nationally. It is worth noting that regeneration has a very broad meaning under this regulation and can apply to local investment made to improve an area.

4.3 Demolition of existing housing stock will naturally lead to an impact on rental income to the Council. However, this is broadly matched by a reduction in subsidy payable, and so is largely neutral to the HRA.

4.4 The flood risk will need to be clearly addressed in any legal documents to avoid ambiguity regarding any future liabilities that may arise.

4.5 The cost and benefit effect of the designated care units will be built into the Adults Social Care budgetary planning and control process. This will be taken into account as part of the wider Transformation and Personalisation agenda. Demand and risk will need to be managed by the service. The effect of the proposal will need to be built into the MTFS process and monitored on an ongoing basis against the signed off business case.

Legal Implications and risks:

5.1 The power to dispose of land held for housing purposes is contained in section 32 of the Housing Act 1985. The legal powers to dispose of land to an RSL at less than market value are contained within Section 25 of the Local Government Act 1988 and the General Housing Consents 2005.
5.2 The General Housing Consents 2005 require that any disposal to an Registered Social Landlord at less than market value must comply with specified conditions, of which the following, in particular, should be noted:

   a) completion of the disposal is to be by transfer of the freehold, assignment of a lease with an unexpired term of 99 years or more or grant of a lease for a term of 99 years or more;

   b) the terms of the disposal provide that the development of any housing accommodation on the land shall be completed by a date which is not more than three years after the completion of the disposal, but provision may be made for that date to be varied in the event of circumstances beyond the registered social landlord’s control; and

   c) the terms of the disposal provide that any housing accommodation to be developed on the land shall be let by the registered social landlord on a periodic tenancy or a shared ownership lease. (This need not be binding on any mortgagee of the land.)

The aggregate value of the financial assistance provided under the Consent in the same financial year shall not exceed £10 million.

5.3 The disposal as proposed within this report meets all these conditions.

5.4 The Council is also obtaining a benefit in the form of the nomination rights. Recent EU case law has determined that some benefits obtained as part of a land transaction can amount to the procurement of a supply or service rather than just being part of the consideration for the land. On the basis that the nomination rights are primarily about the provision of accommodation rather than supplying social care it does not come within the EU procurement regime.

Human Resources Implications and risks:

6.1 There are no human resource implications

Equalities and Social Inclusion Implications and risks

7.1 The provision of extra care accommodation would enhance provision for the frail elderly who are amongst the most vulnerable in our community.

Reasons for the decision:

8.1 To enable the disposal of Snowdon Court to East Thames Housing Group to develop an extra care facility and so meet a strategic need for the authority.
Alternative options considered:

9.1 The alternative option of disposing of the site without restriction is rejected under this proposal as it is considered that an extra care scheme meets the Council's strategic priorities.

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Background Papers List

There are no background papers