

Coventry City Council
Minutes of the Meeting of Cabinet Member for Policing and Equalities held at 9.30
am on Thursday, 18 January 2024

Present:

Members: Councillor AS Khan (Cabinet Member)
 Councillor P Male (Shadow Cabinet Member)
 Councillor P Akhtar (Deputy Cabinet Member)

Other Members: Councillor T Sawdon

Employees (by Service Area):

Environmental Services: T Wetherhill

Law and Governance: U Patel

In attendance: Petition Organiser

Public Business

11. Declarations of Interest

There were no declarations of interest.

12. Petition - Save this beautiful Ash Tree from being felled by Coventry City Council

The Cabinet Member considered a report of the Director of Streetscene and Regulatory Services which responded to a petition headed "Save this beautiful ash tree from being felled by Coventry City Council".

Works to fell and make safe an ash tree in Howes Lane, Finham, were objected to by a local resident. Subsequently, a petition was submitted to the Council bearing 151 signatures to save the tree from being felled.

In order not to delay matters, the petition was discussed with the Cabinet Member and a determination letter explaining the proposed course of action was sent to the petition organiser on 26 September 2023. However, the petition organiser requested that the matter be dealt with by way of a report to be considered at a meeting of the Cabinet Member.

The Health and Safety at Work (HSW) etc Act 1974 states that Coventry City Council has a duty to all that is reasonably practicable to ensure that people are not exposed to risk to their health and safety.

Around half of all fatalities due to falling trees or branches occur in public spaces, such as a park or beside roads, so section 3 HSW Act may be applicable. Whilst the Health and Safety Executive may regard the average risk as extremely low,

the law requires that where reasonably practicable measures are available, in individual cases, they should be taken.

The ash tree was initially visually assessed in November 2022 by the urban forestry officer in response to concerns from the owners of the neighbouring property whose garden is dominated by the tree. Work had been undertaken by the Council and the owners of the neighbouring property, under their common law rights of abatement, to reduce its size and to try and reduce the risk of catastrophic failure, which could affect their property or person.

The assessment concluded that it was now time for the tree to be removed and the area be made completely safe. The tree was and currently is, displaying fungal fruiting bodies of the wood decay pathogen, *inonotus hispidus*. This disease was significant on ash trees due to the way in which it affected the structure of the wood tissue. It made the wood brittle and easy to snap. This would leave the tree vulnerable to major failure in moderate weather condition or periods of drought.

Works were ordered to fell the tree, but to leave a standing trunk at approximately 4m which would form valuable habitat for invertebrates whilst making it safe for those that pass or live adjacent to it. Ordinarily, when a tree was due to be felled, nearby residents would be notified of the proposed works and the resulting impact on the landscape. However, due to the unprecedented volume of work being raised, this was overlooked. When the contractor arrived to undertake the work, a local resident complained that no one knew of the works and quite rightly, pointed out that it was nesting season. The work was stopped. It was at this stage that the petition was raised by the resident.

Officers met with residents, and it was agreed that a detailed assessment of the tree would be undertaken to assess the condition of the tree. The best method of assessment was to use a micro drill to drill the areas of concern where the decay would be. This would allow the user to feel the drilling resistance of the wood as healthy wood has a certain level of drilling resistance, but decayed wood would be easy to drill through. Measurements were recorded and photographed; these were included in the appendix of the report.

The drilling had confirmed the initial concern for the tree's structure. The drilling in the upper part of concern revealed that only a fraction of healthy wood tissue remained which confirmed that a future major failure was likely. It was difficult to determine when this was likely to happen, however the tree was found to be outside the known acceptable parameters of tree management in relation to wood decay and should be made safe.

It was believed that the periods of drought experienced in the last few years had contributed to the overall health of trees that were living with wood decaying pathogens. This together with "summer drop" caused by periods of dry weather, would increase the likelihood of major failure.

Now that the condition of the ash tree was known and work was not undertaken to make it safe, should anything happen in the future, this could be considered as negligence.

Councillor T Sawdon, a Wainbody Ward Councillor and the petition organiser attended the meeting and spoke in respect of their objections to the tree being felled. They raised the following matters:

- Branch drop from the tree had not been witnessed by the petitioner
- Residents had not been notified of the proposed works to the tree
- Competency of workers on site
- The subsequent impact on wildlife if the tree was felled
- Poor record of tree management in the area
- Context and explanation of the photographs showing decay
- Whether only the decaying branches could be removed

Having considered the report and the representations made at the meeting, the Cabinet Member considered that the top of the crown should be reduced to the main fork whilst retaining the limb used by birds and as much of the lower branches as possible, whilst making the tree safe.

RESOLVED that the Cabinet Member approves the works to the tree as indicated at the meeting, to reduce the top of the crown down to the lowest main fork, retaining the limb that birds utilise and as much of the lower branches as possible, whilst making the tree safe.

13. **Outstanding Issues**

There were no outstanding issues.

14. **Any Other Business**

There were no other items of public business.

(Meeting closed at 10.30 am)