

Meeting date: 24 April 2023

Report to: Cabinet Member for Environment & Infrastructure

Report title: PETITION SUMMARY

Report from: Head of Public Realm

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Wards affected:

- All Wards | Bickenhill | Blythe | Castle Bromwich | Chelmsley Wood |
 Dorridge/Hockley Heath | Elmdon | Kingshurst/Fordbridge | Knowle |
 Lyndon | Meriden | Olton | Shirley East | Shirley South |
 Shirley West | Silhill | Smith's Wood | St Alphege
-

Public/private report: Public

Exempt by virtue of paragraph: N/A

1. Executive Summary

- 1.1 To provide a formal response to one petition received for the Environment and Infrastructure Portfolio, as summarised in the report and in Appendix 1.

2. Decision(s) Recommended

2.1 The Cabinet Member is asked to:

- (a) Agree the preferred recommendation within the report in paragraphs 5.1 and 5.2
- (b) Note the current position regarding petitions received for this Portfolio, as set out in Appendix 1.

Report Title: Petition Summary

3. Matters for Consideration Petition 1: Immediate action to address the issue of overhanging trees causing concerns re health and safety, damage to property and danger to persons.

3.1 At Full Council on 7 February 2023, Ms Melanie Williams submitted a petition on behalf of residents of Maywell Drive requesting immediate action to address the issue of overhanging trees bordering their properties that were causing concerns such as health and safety, damage to property and danger to persons.

4. What options have been considered and what is the evidence telling us about them?

4.1 All trees affecting properties in Maywell Drive, as well as 34 Maywell Drive, had routine works carried out, including the removal of deadwood, in 2013, 2017 and 2022. Appendices 2 and 3 of this report highlight the trees and give an indication of the works carried out.

4.2 The trees that directly affect the property at 34 Maywell Drive have previously been inspected by two qualified Arboriculture Officers from Solihull Council's Forestry Service and during all previous inspections no safety issues were identified.

4.3 All of the trees are covered by Tree Preservation Orders as identified in Appendix 4 of the report.

4.4 All inspections that have been undertaken by the Council's Forestry Service are detailed in Appendix 5 of the report.

4.5 According to our service request records, the Council has not received any customer service requests from any other residents in Maywell Drive, apart from that of the owner/occupier of 34 Maywell Drive.

4.6 Enquiries and contact relating to 34 Maywell Drive have been progressed through the Council's corporate complaints process. The Council's position not to undertake any further work to the trees at 34 Maywell Drive has been outlined at both Stage 1 and Stage 2 of the process to the complainant.

4.7 The Council have followed to a conclusion the Corporate Complaints procedure regarding 34 Maywell Drive and have recommended that if the complainant remains dissatisfied, they should contact the Ombudsman to conduct an independent review.

5. Reasons for recommending preferred option

5.1 The Council have advised that the issues raised pertaining to 34 Maywell Drive should be sent to the Ombudsman. At this point, Solihull MBC cannot comment any further regarding this matter. However, the Council will be happy to comment and where possible action any feedback and recommendations from the Ombudsman.

5.2 The Council are happy to work with any of the signatories on the petition on a case by

case basis. The Council's Forestry Service will contact each property listed on the petition by letter regarding any concerns they may have. The Council's Forestry Service will thereafter undertake an inspection on an individual property basis and where deemed appropriate, and in accordance with good arboricultural practice, carry out any works required.

6. Implications and Considerations

6.1 State how the proposals in this report contribute to the priorities in the [Council Plan](#):

Priority:	Contribution:
<p>People and Communities:</p> <ol style="list-style-type: none"> 1. Improving outcomes for children and young people in Solihull. 2. Good quality, responsive, and dignified care and support for Adults in Solihull when they need it. 3. Take action to improve life chances and health outcomes in our most disadvantaged communities. 4. Enable communities to thrive. 	<p>Safety and accessibility are at the heart of everything the Council does when considering making changes to how the public highway operates. This includes the safety of children, young people, and our most vulnerable road user groups.</p>
<p>Economy:</p> <ol style="list-style-type: none"> 5. Develop and promote the borough's economy, with a focus on revitalising our town and local centres. 6. Maximising the opportunities of UK Central and HS2. 7. Increase the supply of affordable and social housing that is environmentally sustainable. 	<p>The Council's priorities have been taken into consideration when making the recommendations contained within this report. It is considered that there are no direct implications as a result of the recommendations of this report.</p>
<p>Environment:</p> <ol style="list-style-type: none"> 8. Enhance our natural environment, improve air quality, and reduce net carbon emissions. 	<p>The Council's priorities have been taken into consideration when making the recommendations contained within this report and there are no significant environmental implications.</p>
<ol style="list-style-type: none"> 9. Promote employee wellbeing 	<p>Not applicable.</p>

6.2 Consultation and Scrutiny:

6.2.1 The matters arising from this petition has not been the subject to review by any of the Council's Scrutiny Boards. With any proposed changes the associated statutory

consultation process will be undertaken.

6.3 Financial implications:

- 6.3.1 The costs associated with managing petitions are funded within existing service core Council budgets.
- 6.3.2 Any financial implications associated with proposed actions identified in the report will be prioritised and managed within the appropriate existing service revenue and capital budgets.

6.4 Legal implications:

- 6.4.1 None because of the recommendations in this report.

6.5 Risk implications, including Risk Appetite:

- 6.5.1 The Corporate Risk Management Approach has been complied to identify and assess the significant risk associated with this decision/project. This includes (but is not limited to), financial, political, legislation and reputation risks.
- 6.5.2 The approach is not intended to eliminate all risks and not all risks identified can be managed all the time. Also, risks will still exist that have not been identified. However, based on the information provided, no significant risks have been identified. The Council's Forestry Service manage risk through a risk based approach identified in Solihull Councils Urban Forestry Strategy 2019 -2029.

6.6 Equality implications:

- 6.6.1 None because of the recommendations of this report.

6.7 Linkages to our work with the West Midlands Combined Authority (WMCA), Local Enterprise Partnership or the Birmingham & Solihull Integrated Care

System (ICS):

6.8 None.

7. List of appendices referred to

Petitions Update April 2023 – Appendix 1

Plan Elmdon Coppice - Maywell Drive – Appendix 2

Plan Elmdon Coppice - Maywell Drive – Historic – Appendix 3

Tree Preservation Orders – Maywell Drive – Appendix 4

8. Background papers used to compile this report

8.1 None.

9. List of Other Relevant Documents

9.1 None.