



North Tyneside Council

Environment Sub-Committee

29 October 2018

Tuesday 6 November 2018 Room 0.01, Ground Floor, Quadrant, The Silverlink North, Cobalt Business Park, North Tyneside **commencing at 6.00 pm**

Agenda Item	Page
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1. **Apologies for Absence**

To receive apologies for absence from the meeting.

2. **Appointment of Substitute Members**

To be notified of the appointment of any Substitute Members.

3. **To Receive any Declarations of Interest and Notification of any Dispensations Granted**

You are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest.

You are also invited to disclose any dispensation in relation to any registerable and/or non-registerable interests that have been granted to you in respect of any matters appearing on the agenda.'

Please complete the Declarations of Interests card available at the meeting and return it to the Democratic Services Officer before leaving the meeting.

Members of the public are entitled to attend this meeting and receive information about it.

North Tyneside Council wants to make it easier for you to get hold of the information you need. We are able to provide our documents in alternative formats including Braille, audiotape, large print and alternative languages.

For further information about the meeting please call Dave Parkin, Democratic Support Officer on 0191 643 5316.

Agenda Item	Page
4. Minutes	3.
To confirm the minutes of the meeting held on 4 September 2018.	
5. Overhanging Branches and Foliage	5.
To give consideration to a report which details the extent of the problem of branches and foliage overhanging pavements and roads and to identify the steps which can be taken to improve matters.	
6. Reduction of Single Use Plastics	9.
To give consideration to a presentation which sets out the steps being taken to reduce the amount of single use plastics used within the Authority.	
A representative of Plastic Free North Tyneside will also give a short presentation on the extent of the issue.	

Members of the Environment Sub-Committee

Councillor L Bell (Deputy Chair)
 Councillor K Bolger
 Councillor T Brady
 Councillor P Brooks
 Councillor B Burdis (Chair)
 Councillor C Davis

Councillor D Drummond
 Councillor E Hodson
 Councillor W Lott
 Councillor G Madden
 Councillor J Mole
 Councillor W Samuel

Environment Sub-Committee

4 September 2018

Present: Councillor B Burdis (Chair)
Councillors L Bell, K Bolger, T Brady, C Davis,
D Drummond, E Hodson, W Lott, J Mole and W Samuel.

E07/09/18 Apologies

An apology for absence was submitted on behalf of Councillor G Madden.

E08/09/18 Substitute Members

There were no substitute members reported:

E09/09/18 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

E10/09/18 Minutes

Resolved that the minutes of the meeting held on 3 July 2018 be confirmed.

E11/09/18 Overhanging Foliage/Branches on Pavements

Consideration was given to a report which provided an overview on how the Authority dealt with branches and foliage which was encroaching over roads and footpaths.

It was explained that as part of the process for setting the work programme for the various scrutiny sub committees members of the public were invited to submit suggestions for topics which were of concern to residents. One of the topics received related to the problem that members of the public have in using pavements where shrubs, bushes and other vegetation was overgrowing the footpath.

The member of the public who had submitted the suggestion had been invited and was in attendance at the meeting. He explained that foliage overhanging the pavements was a problem for pedestrians because it forced them to walk on the road, which was not a safe thing to do. Overhanging foliage was a particular problem for those who were blind or partially sighted as they could not easily see the obstruction, which was often at head height. He explained that there was a particular problem with woody plants, such as roses, which could do physical harm to passers-by. Overhanging foliage was also a problem for the elderly and people with buggies and wheelchairs especially when there were also vehicles parked on the pavement.

It was suggested that residents and businesses needed to carry out pruning to reduce shrubbery which was overhanging pavements and where they did not then appropriate enforcement action needed to be taken.

The Sub-committee was advised that, under the Highways Act 1980, there was a requirement that the public highway should be kept clear of obstructions. Section 154 of the Act gave the Authority powers to require the removal or cutting back of trees, shrubs and hedges that obstruct or endanger highway users. It was explained that although there was no specific guidance issued it was generally accepted that the minimum clearance should be 2.5 metres over a footpath and 5.2 metres over a roadway.

It was explained that the Authority relied on routine highway inspections to identify obstructions to the highway as well as members of the public to report an obstruction. When a member of the public reported an obstruction it would be inspected and recorded, with photographs taken. A letter would then be sent to the landowner to advise them of the obstruction and outline what they needed to do to rectify the situation. They were given 14 days to carry out the works. If, following a further inspection, the suggested works had not been carried out a second letter would be sent to the landowner/occupier giving them a further 14 days to carry out the works. In the majority of cases this resolved the issue.

A number of members reported on the issues they had had regarding overgrown vegetation and the time that it had taken for the issue to be resolved. It was noted that it seemed to be a borough wide problem and not restricted to specific areas of the borough.

It was suggested that residents should be encouraged to undertake work to prevent their shrubbery overhanging the boundary of their property.

The Sub-committee was advised that Guide Dogs for the Blind had been given advice that it was in order for people to prune back shrubbery which was overhanging the footpath. Members suggested that it would be a good idea for the local community to be encouraged to look after their own area and to in effect police the problem themselves.

It was suggested that it might be worth raising awareness of the problem, perhaps through an article in the Our North Tyneside residents' magazine or via community newsletters etc.

It was also suggested that further information was needed as to the extent of the problem in the borough and whether there were specific hotspots where the problem was worse.

It was **agreed** that a further report be presented to the next meeting with details of the extent of the problem in the borough.

Meeting: Environment Sub-committee

Date: 6 November 2018

Title: Overhanging Foliage and Branches

Author: Dave Parkin

Service: Law and Governance

Wards affected: All

1. Purpose of Report

1.1 To give further consideration to public concerns about branches and foliage overhanging pavements in North Tyneside.

2. Recommendation

2.1 That the report be received and consideration be given as to what further action is required.

3. Details

3.1 At the last meeting of the Environment Sub Committee Members considered a report which set out public concerns in relation to the problems associated with foliage and branches overhanging footpaths. It was explained that overhanging branches and foliage were a particular problem for the blind and partially sighted as well as pedestrians with buggies or wheelchairs.

3.2 The report also highlighted the Authority's responsibilities under the Highways Act to keep footpaths and the highway clear of obstructions, including from overhanging foliage. A copy of the report is attached as Appendix A.

3.3 In an attempt to assess the extent of the problem in the borough Members asked for more information to be presented to this meeting including details of the number of reports of overhanging foliage logged by highways inspectors and the number of member enquiries logged about the same issue. This information will be presented at your meeting.

4. Appendices

Appendix A - Report to the Environment Sub Committee dated 4 September 2018 entitled Overhanging Vegetation Process

5. Background Information

The following documents have been used in the compilation of this report and may be inspected at the offices of the author.

- [Council Constitution](#)
- [Scrutiny Committees Terms of Reference](#)

Meeting: Environment Sub Committee

Date: 4th September 2018

Title: Overhanging Vegetation Process

Author: Andrew Mollon

Tel: 0191 643 8515

Service: Engineering Services

Wards affected: All

1. Purpose of Report

This report details the process that Engineering Services undertakes in response to notification and/or inspection of a location that has vegetation overhanging into the adopted highway resulting in a potential obstruction to users of the highway.

2. Recommendations

The Sub-Committee is asked to note and provide comment on the current process in which the Council deals with overhanging vegetation on the adopted highway.

3. Details

The Engineering Services Team, which is part of Capita under the Technical Services partnership, undertakes the majority of its work in line with legislation detailed in the Highways Act 1980. One of the requirements of the Highways Act 1980 is that a public highway should be kept clear of obstructions.

Trees are living and growing organisms that can grow, in time, over a highway and impede the movement of pedestrians and vehicular traffic. Specifically, section 154 of the Act gives the highway authority powers to require the removal or cutting back of trees, shrubs and hedges that obstruct or endanger highway users.

While no specific guidance is given in the Act, it is generally accepted that the minimum clearance should be 2.5m over a footpath and 5.2m over a road (measured from the centre line). As a guide, these minimum clearances should be sufficient to allow a two-metre person to walk unimpeded along a footpath and a double-decker bus to travel along a road without hitting any overhanging branches.

In terms of undertaking enforcement of this type of obstruction, the Council relies on routine highway safety inspections identifying any obstruction on the highway or users of the highway to notify the Council of an obstruction. Upon notification of an obstruction due to overhanging vegetation, the Engineering Team will create a customer request within its Highway Management System for the area to be inspected. This is still the case

if it is picked up by a Highway Safety Inspector to ensure that an audit trail can be provided. The customer request will then be passed to either the Highways Information Manager or the Senior Streetcare Officer to inspect and record with photos.

Following this inspection, a letter will be drafted to the resident at the location of the obstruction detailing the what the obstruction is, what legislation is being contravened with the existence of this obstruction, detail as to how the growth should be left following any works to ensure that minimum clearances detailed above are adhered to and details to contact the Planning team to ensure that there is no Tree Preservation Order (TPO) in place before starting works. **Advice will be provided by the Planning team.**

The Engineering Team do put in the letter a paragraph about nesting birds and that if any vegetation is observed as having nesting birds then any trimming works should be rescheduled to be undertaken once the nesting birds have left the location. This is agreed with the Engineering Team. A resident/business who has been sent this letter is given 14 days to respond to the instruction.

A second inspection is then raised on the Customer request system for a further inspection to be undertaken 14 days after the date of the letter to ensure that the letter has been complied with. If, following the inspection 14 days later, there is no works been undertaken, then a 2nd letter is drafted and sent to the property re-affirming the initial letter and giving the resident/business another 14 days to comply. Within this letter we will explain that if we do not hear from the property owner or works have not been carried out then we will arrange for works to be undertaken, initially at the Council's cost and recharged to the property owner. These costs can be up to £1,500. We do this to ensure that a property owner has not been on holiday during the timescale of the 1st letter.

The second letter usually results in the works being undertaken by the property owner and no further action is taken. On the occasions when property owners have still not undertaken any works, to date, we have not implemented the threat to undertake the works via Council services as we have not been able to get agreement from the Council to do so. Experience has shown that it is very difficult to get any recharges back from residents/businesses for doing these types of works and as part of this we need assistance from the Council's Legal team to ensure that we follow legal protocol to ensure that the Council does not receive any legal challenge because of this.

So currently, the Engineering Team is not able to proceed with enforcement action against the minority of people who will not adhere to the Highways Act 1980 for obstruction the highway with overhanging vegetation. Other authorities in the Tyne & Wear are also having similar problems due to lack of resource and no appetite to penalise residents/businesses that may be financially struggling.

4. Background Information

Highways Act 1980 Section 154 (1)

Environment Sub-Committee

Reduction of Single Use Plastics

Michael Keenlyside
Environmental Sustainability Officer



North Tyneside Council

“Create a Borough free of single use plastics.”



ciTeam · Oct 19
way. A chance for people from all sectors in
nesses, charities, residents, councillors.



Plastic Fantastic



- £23.5bn
- 170,000
- 5200
- Top ten
- 26%



Plastic...*not so fantastic*



Throwaway Living

DISPOSABLE ITEMS CUT DOWN HOUSEHOLD CHORES

The objects flying through the air in this picture would take 40 hours to clean—except that no housewife need bother. They are all meant to be thrown away after use. Many are new; others, such as paper plates and towels, have been around a long time but are now being made more attractive.

At the bottom of the picture, to the left of a New York City Department of Sanitation trash can, are some throwaway vases and flowers, popcorn that pops in its own pan. Moving clockwise around the photograph come assorted frozen food containers,

a checkered paper napkin, a disposable diaper (seriously suggested as one reason for a rise in the U.S. birth rate) and, behind it, a baby's jib. At top are throwaway water slugs, foil pans, paper tablecloth, guest towels and a sectional plate. At right is an all-purpose bucket and, scattered throughout the picture, paper cups for beer and highballs. In the basket are throwaway draperies, ash trays, garbage bags, hot pads, mats and a feeding dish for dogs. At the base of the basket are two items for hunters to throw away: disposable goose and duck decoys.

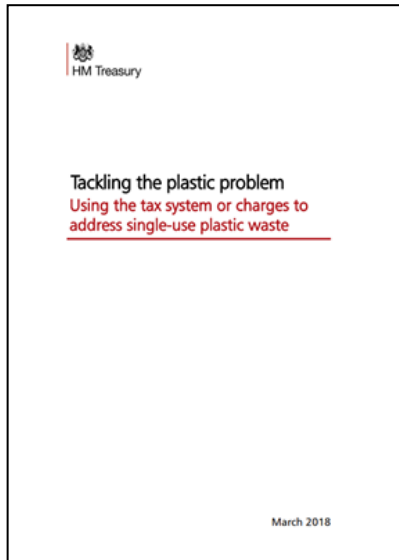
CONTINUED



- 8,000,000
- 100,000
- 2050
- 600



Central Government

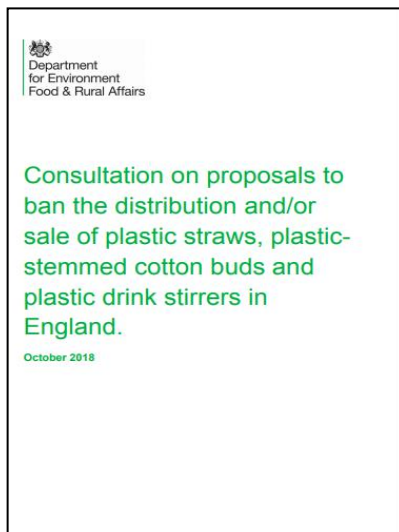


- Defining SUP
- Production
- Retail
- Consumption
- Disposal

162,000 responses

DEFRA Single Departmental Plan, 23rd May 2018

Publish a new Resources and Waste Strategy, along with underpinning consultations on producer responsibility and deposit return schemes.



- 4.7 billion plastic straws
- 316 million plastic stirrers
- 1.8 billion plastic-stemmed cotton buds.
- Estimated 10% of cotton buds are flushed down toilets



North Tyneside Council Action Plan: Scope

- Any disposable plastic item which is designed to be used only once:
 - Cutlery
 - Drinks bottle
 - Cups (hot and cold)
 - Packaging
 - Plastic bags
 - Condiment sachets
- Council estate, rather than Borough
- Key areas:
 - Catering
 - Events
 - Leisure



Action Plan: Delivery

Short term:

- Catering – hot drinks, food tray, sachets
- Promote reusable drinks containers

Medium term:

- Mouth of Tyne / Events
- Install water fountains in Leisure Centres

Longer term:

- Lease renewals
- Procurement Strategy (packaging and alternatives)
- Plastic bottles / product containers



Action Plan: Achieved

- Replaced plastic cutlery

Disposable cups and cutlery	Annual usage
12oz Paper Coffee Cups	108,100
12oz Plastic Lid	22,500
Black Plastic Cutlery	
Black Plastic Knives	32,000
Black Plastic Forks	22,000
Black Plastic Tea Spoon	10,000

- Supporting Young Mayors campaign 2017/18

- Promoting re-usable hot drinks containers



Action Plan: On-going

Catering

- Alternative bio-degradable products
 - Currently investigating.
- Leases /catering concessions
 - Oxford Centre, White Swan, Spanish City, Retail units.
- Soft drinks / water
 - Quadrant, Langdale Centre & Schools.
 - Alternative materials.



Action Plan: On-going

Events

- Mouth of Tyne Festival
 - Bar
 - Instruction to caterers
- North Tyneside 10k road race
 - Drinks point at start



Action Plan: On-going

Leisure

- Vending Machines
- Public Water Fountains



Thank You

