

# WESTMINSTER CITY COUNCIL

## STATEMENT OF DECISION

### SUBJECT: NEW DUTY TO CONSULT ON THE REMOVAL OF STREET TREES

Notice is hereby given that the Cabinet Member for City Management and Air Quality has made the following executive decision on the above mentioned subject for the reasons set out below.

#### Summary of Decision

The Cabinet Member has approved:

- The authorisation of the Director of Highways to determine whether street trees should be felled, where they are subject to Section 96a of the Highways Act 1980, (the 'duty to consult').
- That the Director of Highways may refer the decision on whether street trees should be felled, where they are subject to the duty to consult, to the Executive Director, Cabinet Member or Committee according to the specific circumstances of the case and/ or local or public interest.
- In cases where the removal of a street tree is outside the scope of the duty to consult or is subject to an exemption within the legislation or guidance, that the decision on whether to fell a tree may be made by the Head of Arboricultural Services.
- That the Head of Arboricultural Services may refer the decision on whether a street tree is outside the duty to consult, or is subject to an exemption, to the Director of Highways, according to the specific circumstances of the case and/ or local or public interest.

#### Reasons for Decision

Removing street trees can be contentious. Demonstrating that a tree is exempt from the duty to consult is likely to be subject to dispute and maybe subject to legal challenges on the decision making process. As such, an agreed process is required.

**Stuart Love, Chief Executive,  
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64 Victoria Street  
LONDON SW1E 6QP**

**Publication Date:** 05 April 2024

**Decision Date:** 15 April 2024

**Implementation Date:** 15 April 2024

**Reference:** CMAQ24-03