



Minutes of the meeting of the **Overview & Scrutiny Committee** held Virtually on Tuesday 26 January 2021 at 2.00 pm

Members Present: Mr A Moss (Chairman), Mrs C Apel, Mrs T Bangert, Mr G Barrett, Mr D Palmer, Mr C Page, Mr H Potter, Mrs C Purnell, Mrs S Sharp and Mr T Johnson

Members not present: Mr K Hughes and Mrs N Graves

In attendance by invitation:

Officers present: Ms P Bushby (Divisional Manager for Communities), Mr K Gillett (Valuation and Estates Manager), Mrs J Hotchkiss (Director of Growth and Place), Mrs V McKay (Divisional Manager for Growth), Mrs D Shepherd (Chief Executive), Mr J Ward (Director of Corporate Services) and Western (Housing Delivery Manager)

67 **Chairman's Announcements**

Apologies were received from Mrs Graves and Mr Hughes.

68 **Appointment of Vice-Chairman for the Meeting**

In the absence of the Vice-Chairman it was proposed and seconded that Mrs Apel be appointed Vice-Chairman of the Overview and Scrutiny Committee for today's meeting.

RESOLVED

That Mrs Apel be appointed Vice-Chairman of the Overview and Scrutiny Committee for today's meeting.

69 **Minutes**

That the minutes of the meetings held on 27 October 2020 and 27 November 2020 be approved as a correct record.

Matters Arising

Miss Davis advised that an update had been sent to members on the progress of the Committee's recommendations to Cabinet relating to:

17 November 2020

- *Minute 43*: Future Customer Services Delivery
- *Minute 55*: Call In Review of Parking Charges
- *Minute 56*: Call In Electric Vehicle Charging Infrastructure

27 November 2020

- *Minute*: Leisure Services Performance Review

70 **Urgent Items**

There were no urgent items.

71 **Declarations of Interests**

Mrs Apel declared personal interest as a Trustee of Stonepillow.

72 **Public Question Time**

Question from Joan Barrowcliffe

Has anything been achieved from the **Overview and Scrutiny Committee** meeting of June and July 2015 and the final report of the **Service Charge Review Task and Finish Group**, which went out from Ms Diane Shepherd on 11th September 2015?

Answer

Thank you for your question.

At the meeting of 15th September 2015 the Overview & Scrutiny Committee received a report from a Task and Finish Group that had considered many complaints received from Hyde tenants about their Service Charges in the preceding months. The Committee instructed the then Head of Housing and Environment Services to write a letter to the Hyde Group setting out the Committees concerns and asking for a review of certain service charges it believed may have been incorrectly billed, including certain specific housing schemes. The Committee also asked for a response from Hyde to come back to the Committee in January 2016 to cover the methods used to calculate service charge increases, the progress made in resolving complaints and Hyde's performance against their key performance indicators.

In response to the resolution, and resulting letter from the Head of Housing & Environment, a report, produced by Hyde, did come to the January 2016 meeting and Mr Morrissey the Director of Core Operations at Hyde attended the Committee to answer questions.

Hyde advised that the addition of Health and Safety Compliance costs and the impact of better informed service cost estimates had resulted in the increases, however, they accepted that these changes could have been communicated more effectively to tenants. They also accepted that in the case of the specific schemes highlighted by the Committee, the overall percentage increases were high. In the main, this was due to the health & safety compliance service costs being included for the first time. Hyde confirmed they were committed to delivering services that were value for money, but also service charges had to accurately reflect the costs incurred. Hyde thanked the Task & Finish Group for its work in highlighting the

concerns and committed to working with residents in the Chichester area to resolve any specific issues or concerns they may have around their service charges.

Copies of the agendas and minutes of the relevant meetings, including the report from Hyde that went to the January 2016 meeting, are available on the Council's website which will include more detail, however, Hyde have also been asked to comment on the outcome of the meetings in their address to the Committee today.

The Chairman added that the reason Hyde Housing had been invited to attend a further meeting of this Committee, along with the Council's Cabinet member for Housing, Communications, Licensing and Events, was due to the importance that this Committee placed on the housing provided for tenants in the District.

Mrs Barrowcliffe was invited to email her District Ward member, copying in the Chairman, if she had any further concerns to raise. The Chairman advised that during the Covid 19 pandemic officers had been working with Hyde Housing and the other social housing providers in the District to ensure that residents received a good service.

Supplementary question from Joan Barrowcliffe

Mrs Barrowcliffe referred to a letter from Hyde, dated 11 September 2015, to Mrs Shepherd stating that service charges reflected the costs of providing chargeable services. According to her lease, health safety and fire safety were not chargeable but residents were being charged. She quoted Section 7 (vi) of her lease that stated "the expression costs, expenses and outgoings, as herein before used, shall be deemed to include not only those expenses outgoings and other expenditure here before described in actually dispersed or made by during the year in question but also such reasonable part of all such expenses, outgoings and other expenditure, herein afore described, which are of a periodically recurring nature".

Answer

Mrs Rudziak explained representatives from Hyde Housing were in attendance at today's meeting who would undertake to reply to questions but detailed individual cases should be raised with them direct. The Chairman added with the involvement of the District Councillor for Mrs Barrowcliffe's Ward.

73 Hyde Housing

The Chairman welcomed, Ms Cox, Mr Hunter and Mr Batchelor from Hyde Housing.

The Committee had provided the Hyde Housing representatives with a set of questions on the following themes: Housing Stock and Standards, Contracted Works, Service Charges, Communication and Engagement with tenants, Covid 19 and miscellaneous in advance of the meeting (appended to the official minutes). The representatives also answered questions raised by members at the meeting:

- Liberator Place, Chichester: Waking fire watch service set up during October 2019 and work taking place to mitigate these fire concerns. Accreditation awaited

following work on fire doors and fire stopping. Hyde establishing if the defect was the responsibility of the developer.

- Damp and general condition of existing stock: Survey established that, in comparison to general housing stock, properties were not of an age or banding significantly less than expected. Will improve conditions of 2,500 properties in the District to band B and C by 2030.
- £3-4 million spent on stock investment and £3 million on repairs and voids per year. Planned maintenance on old stock increased spending.
- At the start of the Covid 19 Pandemic maintenance work reverted to essential repairs only. No longer restrictions on carrying out works following updated Government advice.
- 88.6% repair satisfaction rate, 3% higher than other Hyde areas. Repair appointments arranged by the Call Centre. Text messaging service enabled tenants to review their repairs. 24 hour online repair appointment service to be introduced with facility to send video of repairs required. Ability to contact Hyde by telephone if preferred.
- Since Covid 19 maximum waiting time for average repairs increased to 14 days. Good progress being made to reduce this time. Good relationship with the Council in dealing with damp problems and outstanding cases. Mr Batchelor agreed to investigate the emails sent to Mrs Sharp from residents, some who had complex health needs, concerning long delays to repairs and their not being completed, including damp issues.
- Mr Batchelor was disappointed to hear the examples of a lack of customer service by Hyde to residents and elected members. He agreed to investigate the examples given by Mr Johnson including the delay to fix heating and dismantling of a fence and creation of a driveway.
- Mr Hunter asked Mrs Apel to forward him details of the issues raised by residents who had not received a response to their queries.
- Hyde's Residents Voice open forum enabled tenants to raise issues. Resident involvement included consultation on any of Hyde's services under review. Contact details for Hyde's services, as well as for councillors and members' of Parliament were provided to tenants.
- Many renewable energy replacements were not suitable for installation in Hyde's social housing properties and new housing was still fitted with gas.
- Mrs Lishman, observing, asked about damage from a shared drainpipe. Mr Batchelor advised the matter should be reported to the Repairs Maintenance Team and the occupier of the private property should claim for any damage on their house insurance.
- Mr Oakley, observing, asked about service charges for amenity open space and tree preservation orders. Hyde covered the costs for properties no longer in its ownership. No ability in tenants' leases for Hyde to claim these costs or to place an estate charge on properties now in private ownership.
- Procurement of the Grounds Maintenance Service would include an assessment of future amenity land, to include wild flower areas and managing areas better ecologically. Protected trees removed due to poor health were replaced. A tree surveying review would include how Hyde would work with tenants to maintain trees. There would be liaison with parish councils and other partners to see if they would take on responsibility for communal trees.
- A member commented there should be more joined up maintenance work for areas of open space where there was more than one owner.

- Ms Cox confirmed that she would look into the issues raised in Joan Barrowcliffe's public question concerning service charges.
- Following this Committee's review of Hyde's service charges in 2015 the Customer First project was created. The Central Team dealt with queries and liaised with other departments to check if charges were correct.
- Shared ownership leases stated if charges were for an equal share or on square floor meterage and details now included in Service Charge.
- Services Charges paid for the services delivered by Hyde. Blocks of flats may have a sinking fund for larger maintenance work.
- Since this Committee's review a lot of work has been undertaken to improve services. The Corporate Strategy included ensuring there was evidence of good value for money for residents and quickly resolving service charge errors.
- A member suggested that the service charge letters could contain an explanation of the differences between their neighbours' service charges.
- Mr Hunter acknowledged residents felt it was not easy to get hold of an officer and there was a misconception that different people dealt with the various enquiries and this matter would be investigated further. The contact number was: 0800 3282282. Alternatively tenants of flats could speak to their property manager.
- Tenants should only have to chase a response once before using the official complaints procedure. Mrs Rudziak advised there was a document advising members of the complaints escalation route. There was an "Elected Representatives" email address for members use if contacted by a Hyde resident, which was monitored against performance targets.
- The recent Social Housing white paper had reduced the response time of 10 days from 20 days. Customers should see a noticeable reduction in response times to complaints by March/April 2021.
- Since Covid 19, property management visits to properties continued, in a safe way, to ensure they were safe and all repairs had been completed.
- The Hyde Foundation provided support ranging from help with form filling to financial assistance as a result of Covid 19.
- Mr Hunter would investigate further Mrs Apel's comment of the difficulties experienced by tenants and herself in getting a response to anti-social behaviour issues. This behaviour had increased in the last year and the closure of magistrates courts had not helped resolve the issues. Injunctions did not have an effective result. If possible Hyde encouraged tenants to talk to their neighbour in the first instance and online toolkits were available. Serious noise complaints would include liaison with the Council's Environmental Health Service, otherwise all Hyde could do was ask that tenant to stop their behaviour and tell them they were in breach of their tenancy. Covid 19 restrictions had stopped eviction proceedings.
- Mr Sutton advised he and Mr Briscoe would be happy to take any issues forward under their respective Cabinet portfolios.
- Allotment plots were available by contacting the Central Team. With parish councils looking at alternative usage, including resizing to smaller more manageable plots. Members' suggestions were welcome. Ms Cox would provide Mrs Bangert with further information outside of the meeting.

The Chairman advised the Hyde representatives any further questions from members would be collated into one document before being sent to them for

consideration. It would be useful for members to have details of Hyde's reporting arrangements with a contacts list.

Mrs Bushby reported that the Council's relationship with Hyde was good, particularly concerning anti-social behaviour and during the Pandemic Hyde had responded quickly to issues that arose. Hyde supported the Council's Community Warden Service and Social prescribing Service.

Mrs Grange reiterated the comments made by Mrs Bushby on her experiences with Hyde. Regular liaison meetings took place between her and Ms Cox. In future regular meetings would also take place with Mr Hunter and Mr Sutton, Cabinet Portfolio holder for Housing. The Council was working with Hyde's Development Team on their Hyde Asset review. Mr Oakley's question concerning amenity land was addressed in Hyde's draft Strategic Plan 2050 who would present it to Cabinet on 2 February 2021. Hyde owned amenity land could potentially be transferred to parish councils.

The Chairman thanked the Hyde representatives for their attendance. The work being undertaken by Hyde, especially during the Pandemic, was appreciated.

74 **Cabinet Member for Housing, Communications, Licensing and Events Address**

Mr Sutton, Cabinet Member for Housing, Communications, Licensing and Events commented on the amount of work undertaken during the Covid 19 pandemic and the need to be sustainable going forward to build on the positive changes made in respect of the following areas of his portfolio:

Rough Sleeping:

- The Housing Register and Allocation Scheme review would result in better assistance to those applying for housing.
- Number of rough sleepers reduced from 30 to four,
- Successful bids for a range of Government funding, including the Rough Sleeper Initiative and Next Steps Accommodation programme.
- Stonepillow had assisted 50 individuals with 15 currently in nightly paid accommodation.
- The Diverted Giving campaign encouraged people to donate to homeless charities instead of rough sleepers.
- Continuing to work with Stonepillow and other partners to identify a pathway to a long term solution to more permanent accommodation.
- Private landlords encouraged to join the Council's HomeFinder scheme.

Homelessness:

- A streamlined approach to deal with the increased number of people seeking homeless advice.
- Early intervention to prevent use of bed and breakfast accommodation. An evictions spike was expected once Court proceedings resumed.
- A flexible approach enabled accommodation to be granted on an emergency basis to key workers, homeless and care leavers.

Registered Housing Providers:

- No ability for the Council to determine which housing provider will deliver social housing on development sites.

- Support local Community Land Trusts and the Dears Almshouse Trust;
- Social housing negotiated on open market sites as part of the planning process. Commuted sums accepted in exceptional circumstances;
- The Council had recently invested capital to fund 17 short term accommodation flats at Freeland Close, Chichester.
- Increase in housing applications since the beginning of Covid 19.
- Most housing providers were unwilling to provide schemes less than 20 affordable homes.
- Liaising with housing partners on how to access Government funding.

Responses to members' questions were provided:

- The success of the Diverted Giving Scheme, having been implemented when shops were closed during the Covid 19 lockdown, was currently difficult to assess, as it was reliant on footfall to draw a comparison;
- It was not known if the Government would extend the hold on court action for evictions past 21 February 2021. Indications from the Ministry for Housing, Communities and Local Government were that the deadline may be extended to at least the end of March 2021. The Homeless Prevention fund provided help to prevent an eviction situation.
- Mr Sutton undertook to assist with an issue a resident had concerning door locks in a block of flats outside of the meeting.

The Chairman thanked Mr Sutton and the Housing Delivery Team for all their work, especially during the Covid 19 pandemic. He suggested it would be useful to invite other housing providers to a future meeting.

75 **Covid 19 - Progress Covid 19 Recovery Action Plans**

The Committee considered a progress report on the Covid 19 Recovery Action Plan, which provided an update on the latest financial position, progress on the four thematic recovery plans, and an update on the efficiency review and the future services framework.

Mrs Shepherd outlined the report. The Pandemic situation remained uncertain and was expected to continue for the remainder of the year. The recent lockdown had created additional work for some teams in the Council and some staff had again been moved to priority service areas. Work was being undertaken to support any staff struggling with the ability to work at home, especially if they had children. Despite these difficulties the Council continued to deliver day to day services and the Action Plan.

The following corrections were made to page 21:

- *CHR02: Establish Pathways for Rough Sleepers*: Status should be green
- *CHR05: Focus on support, Prevention and Fair Access to Social Housing*: Status should be amber
- *CHR11: Embed Community Groups into Future Emergency Plans*: Status should be green

Mrs Hotchkiss provided a progress update on the Southern Gateway project detailed on page 36 of the report. The Council was working with Henry Boot Developments on options for moving the business phases forward. The market had significantly changed since the Council went out to tender, especially office space requirements, and leisure and entertainment. An update meeting was due to take place with Stagecoach. With regard to the health sector's requirements for a community health hub, focus was currently on the provision of vaccination centres in response to the pandemic.

Officers responded to members questions and provided further updates:

- The Council's Car Parking Strategy was being reviewed and if demand dropped permanently other uses would be looked into.
- Mental Health and Wellbeing had been referred to the Community and Housing Recovery Group. The issue has also been raised at the Public Health Working Group with partners including the County Council.
- A full Southern Gateway Risk Register was attached to Cabinet and Council reports. There were a number of areas where significant work was still required. Members were aware that there had always been a significant funding gap and the delays to the grant funding requested by the project partners created difficulties in closing that gap. There would be further clarity in the next month with a full update provided to the Overview and Scrutiny Committee at a special meeting to be arranged.
- The next three milestones on page 81, *OR10: Supporting Local Businesses through Procurement*, had also been completed.
- Overall the results of the recent staff survey were positive and an improvement on the previous survey. A small proportion of staff (2.1%) were not coping well with working at home, although a small percentage of staff, the impact for the individuals could have a significant impact. The number of staff commenting on the need for better IT support had reduced following VPN improvements. Results to be shared with the Organisational Recovery Group and possibly this Committee at a future date.
- The current lockdown was having an impact on some of the high street work. In particular there were difficulties in having dialogue with those businesses currently closed. However, the actions in the Recovery plans were continuing to be progressed where possible.
- Mr Palmer was advised to contact the Cabinet member for Growth, Place and Regeneration if he wished to add an item to the Economic Recovery Group agenda on the promotion of inward investment and was a key priority for the Group. The Council's Inward Investment Strategy would be published on the Council's website. Work was taking place with a number of organisations to bring in inward investment, currently commercially sensitive. The Council was working with land agents to assess the District's land availability and demand. Further details of the (Cove Communities (Bunn Leisure)) project work would be provided at the next Economic Recovery Group. The Inward Investment Strategy had been circulated to members and could be discussed further at the Economic Recovery Group.

The Chairman thanked the officers for their report and update on the progress being made.

76 **Asset Management**

The Committee considered the report circulated with the agenda on the Council's built and land assets.

Mr Gillett referred to the impact of the Covid 19 pandemic and the resulting economic challenges on the Council's property portfolio. In line with good practice, officers continually monitored market rents and values to ensure the Council was receiving appropriate income and return on investment. Recent investment opportunities included bringing unused land at the western end of Terminus Road into use and a pop up shop in Crane Street, Chichester.

Mr Gillett responded to members' questions and comments:

- Mr Gillett undertook to find out the latest position concerning the tenancy and occupation of 55 High Street, Selsey.
- The storage shed located in Jubilee Gardens had been demolished by another service due to health and safety concerns about its poor condition and a number of thefts. Mr Gillett suggested that Mrs Sharp contact the Parks directly for further information.
- Members should contact Mr Gillett if they wished to see a copy of the list of Council owned assets.

The Committee understood the challenges arising from the significant impact of the Covid 19 pandemic on the Estates Service in moving forward some projects. They wanted to see Council making the most use, for the best benefit, of the Council's land for the community and for any other opportunities that arose. It was agreed that a report would be brought back to the Overview and Scrutiny Committee in approximately 12 months' time.

RESOLVED

That the Overview and Scrutiny Committee has received the report on the Council's built and land assets, and the work to date and ongoing mechanism in place for their management and review be noted.

77 **Review of the Housing Register and Allocation Scheme Task and Finish Group - Final Report**

The Committee considered the report circulated with the agenda.

Mr Western presented the findings of the Housing Register and Allocation Scheme Task and Finish Group, detailed in appendix 1. In particular the Group's focus was on eligibility for the housing register, the need for a Local Connection, the system of Priority Banding, operational changes to the application and bidding process, and updating the allocation scheme to take into requirements in respect of both victims of domestic abuse and the Armed Services Covenant.

Mr Western responded to members' questions and comments:

- With regard to first lets and a local connection for new housing, it was possible as part of a planning application to set rural criteria, for a rural exceptions site, but generally speaking it would be done on the Rural Allocations Policy.
- Mr Western undertook to provide a summary to Mrs Bangert setting out the provisions for the allocation of housing of ex-military personnel and their families.
- With regard to a request to include all the Manhood Peninsula in the Rural Allocations Policy, it was best applied to areas with relatively low lettings. There was little evidence of people bidding for Selsey not already living there.

The Chairman informed members that if they wished to raise any specific questions or recommendations outside of the meeting to do so with Mr Western, once the consultation had taken place and the Housing Allocation Scheme drafted for approval by Cabinet.

RESOLVED

That the Committee has considered the findings of the Task and Finish Group appointed to review the Housing Register and Allocation Scheme, as outlined in appendix 1.

78 Budget Review Task and Finish Group - Final Report - Oral Report

Mr Moss, outlined the deliberations of the Budget Task and Finish Group (TFG) held on 20 January 2021.

The TFG's purpose was to receive an update on the budget setting process and to receive clarification on savings being made. It was not to scrutinise the budget, which was currently being prepared. If any member had any specific recommendations, they could contact the relevant Cabinet Member.

The TFG received details of the projected savings detailed in the Future Services Framework for 2021-2022. Some members expressed concerns about the challenges in achieving these savings. However, officers advised that the savings were low risk and reliance was on 75% of the proposed savings being achieved.

The TFG expressed concern about the impact of services as a result of vacant staffing posts, but were reassured that with the flexibility built into the Council there would be no detrimental effect. The use of reserves was discussed to support the Climate Change initiative and to look at ways to boost tourism. Additional revenue streams were discussed and how losses could be offset against a loss of car parking revenue. The Council was due to receive Tranche 5 of the Local Government emergency Coronavirus pandemic funding of £569,000. Advice was given on the collection and distribution of Non-Domestic Rates and the Government's redistribution fee levy. The TFG noted that the Novium Museum Cabinet TFG report would be presented to this Committee on 9 March 2021. The Chairman advised members that if they wished to look at the Museum's operations in more detail, amendments could be proposed at the Full Council meeting on 29 January 2021. The TFG agreed to progress the operations of the Novium outside of the TFG informally and to discuss further with the wider Council membership.

Mr Palmer provided details of a Motion that he and Mr Brown intended to put to the Extraordinary Full Council meeting on 29 January 2021. The proposal was that the Novium should be removed from the 12 month moratorium to postpone the review of this discretionary service.

RESOLVED

That the oral report be noted.

79 Forward Plan

The Committee considered the Council's Forward Plan for the period February to May 2021.

With regard to the Provision of Coastal Engineering Service, Mrs Rudziak agreed to follow up the reporting route for this item.

The Chairman undertook to discuss this matter with Mrs Purnell outside of the meeting to see if there was a need to bring it to this Committee for consideration, subject to timescales.

80 Late Items

There were no late items.

Appendix

O&S Issues for Hyde Housing Stock and Standards

Please could Hyde give us an update on works taking place at Liberator Place in Chichester?

A large proportion of reports are problems with recurring damp from older properties. Is there a timetable for retrofitting properties? Is there a target for the number of properties to be retrofitted, and are there target date?

How many Hyde houses are currently empty/being renovated?

Can we have an update on renovation work on the current housing stock?

Contracted Works

Would it be possible for copies of works completed to be left with tenants so that when other contractors turn up there is some knowledge of what other contractors have done?

Could contractors work more flexibly and appropriate to the season?

Could workers check that the job has been properly finished before leaving the property to avoid repeat visits?

For residents with children with special needs, could notice be given if a job is to be particularly noisy so arrangements could be made for affected children to be out of the house?

Hyde owns quite a bit of land for example on Whyke Estate. Could some land be planted to trees (maybe community fruit trees) or wildflower meadows?. We have a new Tree Project Officer and it would be good if Hyde could liaise with her?

Would it be possible to liaise and set up a system for registered providers to work better together and deliver more environmental benefits while avoiding numerous contractors working in the same area?

Service Charges

Can Hyde please clarify how charges are worked out for those people who part own their home. For example if a resident owns 30% of their property and pays rent for the other 70% when it comes to costs for repairs to the communal areas of the block how are these divided up?

Why would similar properties incur different service charges?

What is the service charge actually used for?

A review was carried out in the summer of 2015 by the Overview and Scrutiny Committee. Residents have asked what was the outcome of the review which I believe was sent to Hyde in September of that year.

A number of the older estates that were subject to the LSVT have a significant amount of shared/publically accessible amenity open spaces and trees (some TPO'd) within them that are maintained by Hyde. Given the number of Hyde properties within these

estates has reduced over the years, do the maintenance costs of these public amenities fall on ever reducing numbers of tenants within each estate or are they more generally covered by Hyde?

Communication and Engagement with tenants

Can forms be simplified into plain English?

Feedback from tenants could help to make improvements to the housing and the estates that Hyde manages. How do Hyde currently engage with their tenants to gain feedback?

The biggest problem that residents have complained about is poor communication and long delays in works being completed. Is there an over reliance on emails and online forms.

Concern over lack of response from Hyde to tenant and their issues.

The main issue my residents have had is getting a response to their concerns in a timely manner or even an acknowledgment of their emails when they raise concerns.

What is Hyde's policy around response times?

What is the average time for issues/complaints to be dealt with?

What are the longest outstanding issues?

COVID 19

Can we understand the issues Hyde have experienced due to COVID and how this has affected tenants. An understanding of issues around tenant issues, court orders etc without disclosing confidential information.

How have Hyde supported tenants due to financial challenges due to COVID?

Miscellaneous

Does Hyde provide Allotments?

For residents who need to sell their properties which are in blocks of flats there seems to be some lack of clarity about the need for a EWS1 form. Could you clarify when these forms are necessary?

Does Hyde have any TPO trees within any of their individual houses curtilages? If so, is it Hyde's or the Tenant's responsibility to maintain such trees, noting the significant maintenance costs of major trees?