

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Scrutiny Committee held at Knowle, Sidmouth on 25 June 2015

Attendance list at end of document

The meeting started at 6.00pm and ended at 7.51pm.

***1 Chairman's introduction**

The Chairman welcomed the committee, in particular the newly elected committee members. He emphasised the need for teamwork between the Chairman, Vice Chairman, supporting officers and committee members to undertake the scrutiny role successfully. He would also work to ensure that work is presented clearly; in order to ensure understanding for both councillors and the public. This included clear explanation of jargon and acronyms that often appeared in officer reports.

***2 Public Speaking**

Paul Spearing of Chardstock Parish Council addressed the committee about a recent decision to define Chardstock parish as a parish sustainable in the context of the Local Plan. He outlined the discussion at a recent Development Management Committee where the officer advice showed that Chardstock did not meet the criteria for definition as sustainable; and that a decision at full Council determined that it was, which he felt an incorrect decision to take. He asked for a re-evaluation of the parish and for a consistent approach to determination of sustainable, in particular in the context of an appeal of that status in relation to Offwell.

David Everett of Chardstock Parish Council spoke of his concern that Cabinet did not seek to correct the decision made at full Council to deem Chardstock parish as sustainable. He stressed the need to base decisions on evidence and not opinion, and that the decision could have a lasting effect of damaging the parish.

***3 Declarations of Interest**

No declarations were made.

4 Role of the committee

The committee discussed a briefing paper outlining the principles of scrutiny and the purpose of the committee as set out in the Council's constitution.

A training session is set for 16 July 2015 in conjunction with Exeter City Council and Teignbridge District Council and the committee were encouraged to attend.

5 Final report of the Tree Task and Finish Forum

Councillor Mike Howe was unable to attend the meeting to present his report. The Chairman read out an email to the Committee from Cllr Howe highlighting recommendation 10 in the report on developing a Tree Strategy.

The Chairman thanked the Strategic Lead for Housing and Environment, Service Lead for Countryside and Leisure, and the Senior Arboricultural Officer along with other officers for their contribution to the Forum.

Questions and debate from the committee on the report included:

- Why there was no specific reference to the Areas of Outstanding Natural Beauty (AONB) in the Forum's report: in response, the Service Lead for Countryside and Leisure advised the committee that the tree service covered the whole of the district with close liaison with the AONB officers. The Senior Arboricultural Officer explained that different legislation covered Tree Preservation Orders (TPOs) to that of AONBs;
- Why there was no specific reference to the mitigating effect of trees on flooding: in response, the Chairman outlined that the many benefits of trees including that aspect were taken as a given in the report and the Forum operated on that basis. More specific detail on those benefits would be set out in the Tree Strategy once produced;
- Educational benefit of tree planting, with a recent community orchard planting scheme expected to be rolled out across the District;
- Excellent work by Sidmouth with an active arboretum committee to survey trees in that area and in due course produce a policy;
- TPOs can be placed on trees on Council owned land, but generally, this was not considered necessary, as there was an expectation that the tree management would be sufficient that the tree would not be under threat. Full planning consent overrides a TPO but in determining an application a process is undertaken to weight the merit of overriding a TPO;
- Recent shift in culture meant that developers were being educated in the benefits to retaining existing trees. The wrong tree in the wrong place can be a problem for a developer, but equally the right tree with a mature canopy could add between 10 and 15 percent to the value of the site. In recent years new TPO numbers had decreased but so too had pre-emptive removal of trees by developers;
- Any TPO over six months old and not confirmed was no longer valid.

RECOMMENDED:

1. That Tree officers be involved in pre planning application meetings as standard; greater involvement at an early stage would benefit the process and enable any issues to be addressed in a timely way;
2. That, as part of the Systems Thinking review of the tree service at East Devon, to look at national guidance and best practice and where appropriate to look to adopt this within new work flow systems;
3. That a review be undertaken of information provided on the Council's website relating to arboriculture, and produce new web guidance on the main work areas to reduce service demand;
4. That the decision on the choice of which TPO system is to be adopted be made by the Arboricultural Service, but for weight to be given to the importance of providing guidance notes with the TPO form to reduce 'preventable demand'
5. That the Council develops a Tree Enforcement Policy;
6. That guidance be given to community groups working on Neighbourhood Plans to encourage particular consideration to be given to addressing issues in respect of trees and how their value within the community and landscape can be recorded and protected – the guidance to be drawn up by the Arboricultural Service in consultation with the planning policy team;
7. That the Development Management and Planning Enforcement team (with technical support from the Arboricultural Service) look for effective ways to monitor the future protection of trees following development of a site – this to include criteria for monitoring and how to involve local councils and ward members in this process so that information is fed back to the Council as quickly and effectively as possible;

8. That the benefits of remote data capture be supported and the Arboricultural Service be encouraged to undertake trials of the system so that it can be used to develop a district-wide on-line database of trees. In addition, to investigate the feasibility and cost of open mapping to plot the district's trees and calculate their ecosystem service benefits in monetary terms. (There is potential for this system, if effective, to be extended for use by community groups and tree wardens to help with logging tree information across the district – this information could also be used to populate Neighbourhood Plans);
9. That the current arrangement of local councils with Quality Status and dealing with applications for work to trees be reviewed. Although local determination of applications adds value to the customer experience, local councils seek advice from the arboricultural service and so none of the work burden is taken from the arboricultural team. In addition, not all of the decisions taken by the local councils follow advice given by officers; there have been appeals against decisions where a tree of poor quality had been approved for protection, contrary to advice from officers. This has resulted in delays in issuing a decision notice;
10. That following adoption of the Local Plan, the Planning Team, in round table consultation with the Arboricultural Service and all other services that have tree assets (including Streetscene, Housing and Countryside), develop a Tree Strategy to fit with other guidance, support and policy documents, to be taken into account during development and other related decision making. The Strategy to include:
 - a. the Council's aims in respect of urban and rural planting and the green infrastructure, trees and development, to incorporate a replacement tree strategy
 - b. subsidence
 - c. public liability, health and safety, duty of care, determination of tree works applications, the recognition and analysis of the benefits or urban and rural forests and tree canopies to the environmental, aesthetic, economic and social well being of the area and how these could be maintained and enhanced
 - d. the authority's perception and value of trees within the district
 - e. the importance of succession planting
 - f. tree protection including TPOs , reviewing TPOs, enforcement and supplementary guidance
 - g. the effective capture and monitoring of data relating to canopy cover
 - h. efficient management of all trees including council owned trees
 - i. sustainability
 - j. climate change
 - k. guidance on species choice and planting
 - l. how to achieve effective partnership working with the district's communities, agencies and organisations
 - m. examples of best practice
 - n. education
11. That the Arboricultural Service work with other relevant EDDC services and its partners to develop a programme of education to widen the public's knowledge of trees and their value within the environment.

RESOLVED

that, assuming agreement of the recommendations by Cabinet, the committee receive regular updates on the implementation of the recommendations listed.

6 Performance monitoring report for quarter four of 2014/15

Questions and debate relating to the fourth quarter included:

- Working days lost due to sickness (showing as a "red" indicator) had previously been discussed at Cabinet. Analysis had shown that the increased number of staff with

long term sickness issues had resulted in two quarters with the indicator flagged as above the set target. No link had been identified between the planned relocation and sickness absence. The committee will receive a report in full on sickness absence and the methods adopted in dealing with both existing cases and in prevention at their meeting on 30 July 2015;

- The status of “on track” was questioned in relation to the Council Promise “continue to work in partnership with Devon County Council on the roll-out of super-fast broadband internet connections so that East Devon gets the benefit”; concern was voiced that this was not the case and an update from the Portfolio Holder should be obtained and circulated to the committee;
- “Number of random general licence checks” needed further explanation to clarify the figures and to establish if the target was correctly set in light of regular busy periods for the team that affected their ability to carry out checks;
- “Percentage of minor planning applications determined within 8 weeks” (showing as “red” for the last two quarters) had a clear explanation on resource issues and the Chairman welcomed the approach to contract agency planners to assist in that workload. In answer to a question, it was confirmed that income from planning fees for applications was not ring fenced to the service;
- “Continue to support the development management function in securing the right development in the right place, and taking effective enforcement action against unauthorised and harmful development” was commented on as an unclear target and no officer comments were present on the report to help explain it;
- “Implement the Home Energy Conservation Act Strategy aimed at improving the thermal efficiency of homes in the district” was now on track following additional work before submission;
- Need for close working with Audit and Governance Committee in reviewing performance indicators to avoid duplication of work.

The Chairman reassured the committee that close liaison between the Chairman of the Scrutiny, Overview and Audit and Governance committees would help to clarify the respective roles of each committee as work progressed.

RESOLVED

1. That comments be requested from the Portfolio Holder for Corporate Services on the Council Promise “continue to work in partnership with Devon County Council on the roll-out of super-fast broadband internet connections so that East Devon gets the benefit”;
2. That further clarification be obtained from officers on specific indicators identified;
3. That clarification on promises and indicators be sought in terms of future work on making them more meaningful and measurable targets

7 Forward plan for the Scrutiny Committee

The committee confirmed the items already set out on the forward plan, and agreed the following topics to be scoped before further consideration on how to proceed:

- Build out report on planning applications, to help inform on the process of the local plan;
- 7 May Election issues;
- The process of how the decisions on Chardstock and Dunkeswell sustainability assessment were made.

Beach huts would be discussed at the September meeting of the committee to review the consultation analysis and hear from the Asset Management Forum on the proposals,

allowing the committee to produce recommendations to be considered by Cabinet before a decision on the proposals is made.

Members will receive a link to the report by a previous Communications Task and Finish Forum as background information to the Media Strategy report set for the July meeting of the committee.

Explanation of the delegated system for planning applications would be referred to the appropriate officer to discuss with Councillor Greenhalgh.

RESOLVED

That the forward plan be updated to include beach huts and scoping undertaken on the 7 May 2015 election and the process of the decision on the sustainability of Chardstock and Dunkeswell.

Attendance list

Committee Members present:

Roger Giles (Chairman)

Alan Dent (Vice Chairman)

Dean Barrow

David Foster

Cathy Gardner

Alison Greenhalgh

Simon Grundy

Marcus Hartnell

Bill Nash

Cherry Nicholas

Val Ranger

Marianne Rixson

Brenda Taylor

Other Members present:

Peter Faithfull

Tom Wright

Pauline Stott

Megan Armstrong

Susie Bond

Geoff Jung

David Barratt

Jill Elson

Peter Bowden

Graham Godbeer

Steve Gazzard

Ben Ingham

John Dyson

Officers present:

Debbie Meakin, Democratic Services Officer

Giles Salter, Solicitor

John Golding, Strategic Lead for Housing and Environment

Charlie Plowden, Service Lead for Countryside and Leisure

David Coleman, Senior Arboricultural Officer

Committee Members apologies:

David Chapman
Maddy Chapman

Other Members apologies:

Mike Howe
Peter Burrows
Iain Thomas
Eileen Wragg

Chairman Date.....