

## MINUTES

### STRATEGIC PLANNING & ENVIRONMENT OVERVIEW & SCRUTINY

2 FEBRUARY 2021

**Present:**

**Members:**

**Councillors:** Beauchamp  
Birnie (Chairman)  
P Hearn  
McDowell  
Ransley  
Riddick  
Rogers  
Silwal (Vice-  
Chairman)  
Stevens  
Taylor  
Timmis

**Officers:**

**Also Attendance:**

The meeting began at 6.30 pm

## 8 MINUTES

Action points from the meeting dated 20<sup>th</sup> January

Action: PRayner to send link to web pages to Member Support who in turn will forward to Mr Kazer by email. – Completed

Action: JDoe to provide figures on self-build in the Borough – Completed

Action: JDoe & team to look at simplifying reporting of monies – Will be looked at in the future

Action: PRayner to circulate figures – Completed

Action: PRayner to circulate rules on CIL as per example above.- Completed

Cllr McDowell said he hasn't received any of the documents as per the actions above.

**Action: LFowell to Check Cllr McDowell receives all documents sent by JDoe & PRayner listed as action point at the meeting of the 20<sup>th</sup> Jan, and to check he is on SPAE mailing list**

The minutes from the meeting of 20<sup>th</sup> January were agreed by the members present to be signed by the Chairman at the next available opportunity.

**9                    APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Barrett and Councillor Hobson

**10                  DECLARATIONS OF INTEREST**

There were no declarations of interest

**11                  PUBLIC PARTICIPATION**

No Public Participation

**12                  CONSIDERATION OF ANY MATTER REFERRED TO THE COMMITTEE IN RELATION TO CALL-IN**

None

**13                  BUDGET 2021-22**

**General Fund**

JDeane confirmed that there were no changes affecting the remit of the committee so there is nothing to report.

Cllr Birnie congratulated JDeane on putting in annex A which was the explanation on what comes under the different categories, it's very useful.

JDeane said thank you and that it has been in a few years and they were considering removing it, he said if there are ever any ideas to make it clearer to let them know.

Cllr Birnie asked for questions from the committee.

Cllr Birnie referred to appendix A, He said there are 2 figures one for RSA 940K and another for Council Tax deficit of 150k, he said he can't understand why they don't go through to the final estimate and was it an accounting thing he didn't know about?.

JDeane explained if you follow through on the revenue support grant line, the 1<sup>st</sup> column you have zero for 2021, and then the assumption was that it would be suspended this year and we would have a negative hit. When this came to the 1<sup>st</sup> meeting in December that assumption was still there because we hadn't had the settlement, he said the final version is a zero because we have now had confirmation within the local government finance settlement the negative RSG is being suspended so we haven't got any growth in that area.

Cllr Birnie asked if it was the same in Council Tax

JDeane confirmed he wasn't sure why this was a zero at the end and said that the report went to cabinet in December it is an estimate and they do the final version at the end of December It goes to Cabinet for approval and that's the version they use to set the baseline budgets for the amount of Council Tax they expect to get in, that takes into account all the timing delays that feed in from the previous year so you get slight movement in the tax base. He said in terms of the ins and out on the report, they have had a reduction in the tax base, the tax base is less that they thought as the growth was less than they assumed within the NTFS for this year which is understandable as they have slowed the delivery of new builds and were expecting more people to move into the council tax support system next year.

Cllr Birnie asked if the final zero should in fact be 151

JDeane said no that's is showing that we have had movement, we were forecasting growth, they had growth of 150k in our tax base, the tax base is correct it shows we have had movement throughout the process and it's a very small percentage of the overall tax base.

Cllr Birnie asked if it was a case of one is negative and the other positive so they cancel each other out.

JDeane said no there is movement, he said its one of those lines that are included however not particularly helpful, it's to ensure the whole thing balances.

Cllr Birnie asked when it comes to movement of reserves we are putting in 1.85 million, he asked if he was correct.

JDeane confirmed that he was, we had expected to take 4million out of the Dacorum Development reserve and put it into the Covid recovery reserve, however we have been able to put 1.7million back. He said the hit that was taken in term of the ability to invest Dacorum is now 2.3million instead of 4million.

Cllr Silwal asked about the local government finance settlement he asked if it's a one off or if we needed more would we get it.

JDeane said that it's a wait and see situation, central government are in the same situation as us, they'll have worked out through the spending review what can be allocated out in terms of support and analysed the quarterly returns that every council will submit to try and get an idea about what the requirements are likely to be next year. He said the reality is if the vaccines don't work or lockdowns are ongoing, income gets hit then there is going to be a need for more funding. He said whether or not this comes from local authorities or central government is going to be the subject for negotiation as we move into next year. Ultimately this is why we haven't had the multiyear settlement as they just don't know what's going to happen in 12 months' time.

Cllr Birnie referred appendices E1 page 26 and details of the SPAE's budget and appreciated that there were no major changes. However he asked if they could get some comment from the other officers. He said there is a 21% variance on supplies and services and was it Covid related?

JDeane confirmed that that's the overall summary, however the appendix below will explain. He said one of the things that may be an increase in there is the work we are doing with Hemel Gardens Community project and the consultancy, He asked JDoe to confirm.

JDoe confirmed that some of that would be down to the Garden Community project, some would be from CThorpe's area as it's a generic figure across all departments under this committee's remit..

Cllr Ransley referred to the promotion of town centres. She said she was confused as she hadn't seen promotion of town centres and she asked where this money was being spent. She asked if this is all of the town centres or just Dacorum, and pointed out that it is half a million so it is a lot of Money.

JDeane confirmed this was not in the remit of Strategic Planning, but it's under Finance & Resource.

JDeane referred back to Cllr Birnie's question about Supplies and Services and confirmed that 300k of it is within the Strategic Planning budget and will be linked to the Hemel Community Gardens project, using reserve funding.

Cllr Birnie commented, it's as much trying to see where funding comes from as looking at the actual expenditures.

JDeane said they try and follow the guidelines as to how to report it and he agreed it's not clear, particularly when they're including a reserve draw down, which they cover in the narrative so that when the budget comes through members can see exactly what we've drawn down and why.

### **Capital Budget**

James Deane explained they have broken it down in to the committees.

Cllr Birnie said he didn't understand the budget for replacing refuse vehicles. There seems to be a rolling programme that looks to have had some delays, and then the whole programme that had been agreed, subject to delays, is that correct?. He said there are 2 negative numbers for 20/21 and 22/23, he asked if those 2 negative numbers mean that what has been allocated is being delayed?

JDeane confirmed this was correct. There have been some delays and there is no change to what's been budgeted it's just being phased differently into subsequent years.

Cllr Birnie referred to the next appendix, which shows the fleet replacement programme which runs up until 2026. He asked if he can assume that this is a replacement on a rolling basis.

CThorpe confirmed that this figure was representative of the vehicles that are due to be replaced over the next few years however there is always movement on build times of these and we've had a significant delay on vehicles ordered this year. He said that makes it difficult to be precise about when the spend will occur.

Cllr Birnie referred to the previous table and under fleet replacement programme is 524k in 21/22 which is negative. He asked if that would only be waste vehicles or a range of different types.

CThorpe confirmed that it does include other vehicles, such as small ones for Clean Safe and Green, however the smaller vehicles can be kept on for longer as they have less to go wrong. He said that the refuse trucks are more costly and spend on them is quite significant when they go wrong.

Cllr Birnie asked who decides if an item should be delayed until a following year due to financial reasons. Would this be finance in conjunction with a group manager?

JDeane responded that they're not at a stage where they would be telling people to put holds on projects for financial reasons. The items that are there are planned through. Sometimes you have services that have competing priorities or you get the kind of delays that occur with the refuse vehicles and they will end up having to re-phase and push it back. He said that decision would not come from finance.

Cllr Birnie asked if finance would implement what department heads decide.

JDeane said that what happens is finance will make a budget available for them when they say they need it. If that budget slides but they still need to deliver the project because it's been approved by members, they will re-phase it for them.

Cllr Anderson wanted to re-iterate that we're not just talking about refuse trucks and there are many vehicles that come under the heading of fleet. He said he just wants to corroborate what JDeane had said in that it's down to operational need, in terms of a budgeting discipline process. There is a budget which makes the resource available to pay for things as they are needed but, just like any plan, you will always have things that crop up and cause delays and this causes slippage in the figures, on all the capital bid budget figures not just on the vehicles.

The report was noted

## **14                    TREE POLICY & IMPLEMENTATION**

CThorpe advised that the old Tree and Woodland policy ran out late last year, the new one is a bit late however they wanted to make sure it was fit for purpose, reflected corporate initiatives and was user friendly for the end user. He said they'd hoped they had managed to do that. He further added that although the policy doesn't refer in great detail to climate change it does give a commitment to the initiatives that will no doubt evolve over the course of the policy. This will in no doubt be coming back to the overview and scrutiny committees with ideas we've got for contributing to carbon emissions reduction. He said that it also refers to a new system that places an amenity value on the council's trees that seeks to recoup damages from residents who choose to take matters into their own hands if they don't like a species of tree or the placement of trees, in terms of removing or pruning it.

Cllr Birnie said he feels the report is very well presented and is glad the point has been raised about recouping costs., He said if we are going to start being punitive we

may need to issue some kind of information leaflet explaining what we are going to do if residents take matters into their own hands.

CThorpe said what they have seen over the last year, with people being at home more, is that they don't like the trees near their property that they feel its impairing their view or interfering with a TV signal and as we only deal with them if it's a safety issue, it leads to them taking matters into their own hands.

LJohnson ran through the tree policy for the committee.

Cllr Timmis said she is pleased to see a tree policy. She said once someone has taken down a tree it's often too late. She said she had 2 points. She referred to a builder who cleared a site of trees, as they often do, at a weekend when the tree officers are not around. Once that tree is cut its too late. She said she had a resident that had a tree flapping against her house and they have reported but it hasn't been resolved. She said she would also like to know about TPO's. There are a number of trees with TPO's and it seems that TPO's are only put on when a member of the public asks for that to happen. Should inspection take place by us so that we identify trees that require a TPO? She said that people should not be able to take down trees and that she has had it around her a lot recently where they are not replaced.

LJohnson responded that their work programme is delayed due to Covid. It's been a very difficult year for the contractors and they are trying to squeeze a years' worth of work into 8 months and in addition to the Covid restrictions they have also had 4 storm incidents which have added to the delays. He said that the Highways budget for the year has been spent due to the storm incidents. They are restricted due to contractor capability and the level of resource that is available. In response to TPO's he said their primary focus is the Dacorum owned trees and they do not have the resource to look at private trees. They can only respond to requests to make private trees TPOS. He said the administration of TPO's is by the planning enforcement team and he said that they would struggle if we designate many more TPO's than we already do. He said that they were in the process of making a few more in the Berkhamsted area due to some threats.

Cllr Timmis said she feels it would be helpful if people were made aware that, if there is a tree of value and ancient in private gardens, they can ask for a preservation order on it.

LJohnson said that most TPO's do come from requests made from the public.

Cllr Timmis asked if there was a way that at the weekends when the officers are not around an emergency order could be placed on trees.

LJohnson said they can use emergency TPO's. However they have to get to the tree before the developer and the chainsaws.

Cllr Birnie said that he believes DMC when considering planning applications, can look at conditions to preserve trees.

SWhelan confirmed that is correct and it refers to the conditions relating to landscape strategy and how the landscaping is preserved as part of that application. She said if trees have TPO'S on them, as part of the application we can seek to establish a root protection area and that those trees are managed properly throughout the

construction. She said she took the point raised by LJohnson that a project to proactively audit the trees would be a very large project.

Cllr Birnie said that if members of the public can actively ask for a TPO to be placed on trees and they may not know they can do this, it might be worth putting this on the website.

SWhelan said that if the planning department sees a trend in an area, then it can look to put something in the Dacorum Digest about how residents can contact the enforcement officers who would administer that. She said we need to make sure that the trees that have been put forward are worthy as some trees, although tall and look lovely, could be in their later years. She suggested that this be a one off as they don't have the capacity to encourage everyone to recommend trees for TPO's all of the time.

Cllr Birnie suggested that they put in the Digest not only that residents can recommend a tree for a TPO but information around enforcement and that there is possibility of enforcement if trees are damaged.

Cllr Ransley asked when there are planned works on a tree the ward councillor is kindly informed and asked if we could mark the tree so residents are aware, as often we get calls and emails from residents who want to know what's going on once the work has started.

LJohnson responded that there is no practical way to do that, because the subcontractor visits the tree and marks its condition and makes a recommendation, but those works may sit in our system for 6-8 months dependent on the severity of the tree's condition. He said they do not have the capacity to return to that tree and put a notice on it, nor for all the administration that would go with that.

Cllr Birnie said he felt that wasn't the question Cllr Ransley was asking. He felt she was asking if they could be made aware of what trees are due to have work done on them.

LJohnson said that they just do not have the capacity to get together the list of trees to be felled as it entails a few hours work.

Cllr Birnie said he understood that, but perhaps when there are large planned works such as work that took place recently in Bennett's End, could the members be made aware beforehand?

LJohnson explained that the work programme is set by the contractor and they will do letter drops in local areas where large works will take place, but the difficulty is where do you stop with the letter drops? Is it just the residents who can see the tree or is it further afield?

Cllr Anderson explained that they do have the ward councillor's notification system, but if you are looking for something in addition to this then he agreed with LJohnson's point. However if Members haven't received this notification, then something may have slipped through the net.

Cllr Pringle said that it's her understanding that the budget for trees has been significantly reduced and emergency only work associated with danger is possible at

the moment. She asked what the implications for this longer term is if the more day to day maintenance is not affordable in the current work programme.

LJohnson confirmed that the budgets haven't been reduced, but it's the pressures associated with the work that arises, For example almost a third of the budget is now going on highway costs and traffic management rather than pruning itself. This will be raised with Herts County Council as it is uncertain whether Highways is aware that a third of the budget is going towards signs and traffic cones etc. He said in terms of housing and parks and woodlands, the budgets have not changed.

Cllr Birnie said his understanding is that costs for any trees that are along the highway are re-charged to Highways.

LJohnson said that Herts pay them per tree and that they look after just under 10,000 trees for them within the borough.

Cllr Birnie said that it sounded like Highways should pay a larger lump sum for trees and other things, such as signs that have been mentioned.

LJohnson said they provide an overall budget based on the number of trees and therefore it's up to them to prune the trees in accordance with the inspection regime and address any significant safety defect and trees that have damage claims through the insurance process.

Cllr Birnie asked where the signs come in to it.

LJohnson confirmed that is the traffic management required when tree work is carried out on the public highway.

Cllr Birnie said it looks like Herts County Council need to look at their Highways Budget.

LJohnson said that they also have some budgetary pressure however this will be discussed with HCC at the end of the year.

Cllr Silwal asked what happens if someone carries out work on a protected trees without permission.

LJohnson confirmed that this is a matter for planning enforcement. He said it usually starts with a neighbour calling in to report the matter and this is then handled by planning enforcement.

Cllr Hearn asked if the policy will be going to Parish and Town councils, as Tring is currently looking at the Town Crier magazine, we could add a small article in that.

LJohnson confirmed that they can send them to both Town and Parish councils and that both the summary and the policy will be available on the website, so there is an opportunity for them to download it if they or residents require it.

Cllr McDowell said he would like to see more emphasis on native species and increasing diversity of native species, if this is our overarching tree policy. He also asked if LJohnson could advise why there is not much mention of us encouraging natural bio diversity.



LJohnson explained that they have ordered trees at the start of the calendar year for the coming winter. They go to the preferred supplier and reserve trees and what has been evident from speaking to nurseries and people in the industry is that we need a broader range of trees in our landscapes rather than just native. He said natives are important but currently there are issues with Oak trees and Ash trees so these are not being planted because they have a range of diseases that are widespread and not just in Dacorum and this means they are having to increase the number of tree species to accommodate present diseases. Also, if the climate warms up trees such as Beech trees will not survive. He said that he is sure this will be picked up in the bio diversity strategy due later this year.

Cllr McDowell said that if this is policy then he feels they should be presented with some evidence as to why they are going down this route of planting more foreign species in the borough. He would like some more factual evidence behind it.

LJohnson said that this isn't just a borough wide issue; it's across the industry and he is attending tree officer meetings for Hertfordshire and they will publish a plant resilience strategy which will provide the evidence asked for by Cllr McDowell.

Cllr Taylor referred to the mention of the contractors visiting trees and uploading their findings onto a system and asked if it were possible to give councillors access to this database.

LJohnson responded that it's not possible as the individual licenses for this database are very expensive and Dacorum has a limited number of licences. The database is also not a user friendly Word report.

Cllr Taylor said that presumably this is a list of trees which have been identified as needing work doing to them and the list of these could be sent out when the work is being scheduled.

LJohnson said they form that list as a secondary process. The contractor will go out and survey the tree, he will then upload his data and his recommendation for the tree. It is then entered onto an Excel spreadsheet and then once a month officers will look through all of the recommendations and decide what is high priority for action the following month.

Cllr Birnie said, as he understood it the inspections do have a priority notification scheme.

LJohnson confirmed that they record inspections by priority ranked either 1 year or 3 years but the works that result from it are also ranked.

Cllr Birnie proposed that we welcome this report with the recommendation that it should be publicised in for instance Dacorum Digest.

Cllr Ransley thanked LJohnson for the report and was impressed by the woodlands that are managed. She asked if this was a complete list as Dundale woods are not shown.

LJohnson said that Dundale is not classified as a woodland which is why it is not shown.

Cllr Ransley asked what it is classified as.

LJohnson confirmed it was classified as a lake with surrounding vegetation.

Cllr Timmis asked when you look at planning applications she can see a large number of land owners wanting to take down trees on their land and she asked if a planning application needs to be submitted to take a tree down.

LJohnson responded that if the tree has a TPO they need to submit a planning application and if their dwelling is within a conservation area they need to submit a work notification.

Cllr Timmis asked if they are in neither of those situations, can anybody take down any tree they want if it's on their land.

LJohnson confirmed that was correct

Cllr Hearn referred to Dundale being classified as a Lake, she asked if we were looking into it and the state of the trees.

LJohnson said his colleague manages that site and work teams have been there fairly recently and on the back of an enquiry received he should be there next week to look at the specific concern.

Cllr McDowell followed up on his previous point about native species and said that even if the advice is coming from Hertfordshire, as far as he can tell, other councils are pushing for native trees to support bio diversity of our insects. He said if this is to be Dacorum's policy he would like to see it and scrutinize it.

LJohnson responded that Hertfordshire County Council are bringing out a policy which covers the whole of the county and individual boroughs and districts will be signing up to that and he asked Cllr McDowell if he would like to wait for that.

Cllr Birnie commented that he thought Cllr McDowell would like to influence the policy, so if there is any evidence that can be supplied please supply him with it.

LJohnson said that the County Council are taking guidance from national agencies on policy so he will supply this to the committee.

Cllr McDowell referred to the point about Dacorum signing up to their policy and feels we should certainly be scrutinizing it to see if it's the correct policy for us.

**Action – LJohnson to provide evidence to the committee on Herts County Council's policy on planting suitable tree species.**

Cllr Birnie referred to page 50 of the policy document and the sentence that says "The Council will from time to time undertake work for which external funding has been secured and is not classified by its priority rating" He asked if LJohnson could expand on that.

LJohnson said quite often a housing team may inform us of work such as on void properties or vulnerable persons needing work done urgently.

Cllr Anderson commented that trees can be a very controversial subject, especially when residents want trees cut down and they are told they can't. He said there is no point employing experts in an area if you're not going to trust the advice. You can't reject the advice given because you don't like it. He added that it's important we see

trees as an asset and if there are members of the public who damage public assets, they should be held accountable. One of the difficulties is that Herts County Council is responsible for a large number of trees and for managing those and so can tell us what is to happen with them. He estimated that DBC receives approx. £6.50 per tree per year from Herts County Council, so over a 30 year period we receive about £200 to carry out all works to that tree; but anyone who owns a tree and has work done on it will appreciate it costs more than £200. Cllr Anderson added that, whilst it is appreciated that Herts County Council have their own financial difficulties, they are not paying a fair rate for the work we are carrying out, so we are going to get into fairly intense negotiations on this matter with HCC.. A key thing that has been flagged in the document and tonight is the volume of work on the planning side; the tree officers have to review every planning application that the Council receives with respect to trees and that is an enormous amount of work, as can be gauged from the length of the weekly list of applications. He said he was enormously grateful for the efforts being put into the policy and urged the committee to support it.

Cllr Birnie proposed the policy be noted with the caveat that CAVAT should be publicised in the Dacorum Digest.

The report was noted.

## **15                    WORK PROGRAMME**

Cllr Birnie asked if anyone had anything that hadn't been added to the work programme that they wish to add. He commented that there are some items that have been scheduled in the work programme and a long list of those that have not yet been scheduled. He asked that members bear with him on this as he has a meeting booked with officers on the 10<sup>th</sup> February to schedule these items.

Cllr Timmis wanted to mention that Luton airport has re- submitted its Condition 10 variance plus the expectation of being able to expand to 19 mil passengers by 2024. She said this will be the 3<sup>rd</sup> consultation, a year or so after the last consultation. She said the decision has to be in by 17<sup>th</sup> February and that Dacorum will be making a submission and she feels the committee should be aware that despite the current circumstances Luton Airport are still pressing ahead with this huge expansion thus breaking the conditions of the original 2013 planning application,

JDoe said that the DBC submission is ready and Cllr Sutton will be briefed tomorrow and he will also liaise with the officer responsible for Luton Airport.

The Meeting ended at 8.19 pm