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NOTICE OF MEETING
OVERVIEW AND SCRUTINY COMMISSION

14 SEPTEMBER 2006

TO: ALL MEMBERS OF THE OVERVIEW AND SCRUTINY COMMISSION

You are requested to attend a meeting of the above Commission on **14 September 2006 at 7.30 pm** in the Council Chamber, Fourth Floor, Easthampstead House, Bracknell, to transact the business set out in the attached agenda.

Alison Sanders
Director of Corporate Services

Members of the Overview and Scrutiny Commission

Councillor Sargeant (Chairman)
Councillor McLean (Vice-Chairman)

Councillors Beadsley, Mrs Birch, Browne, Earwicker, Edger, Harrison, Leake, Thompson, Worrall and Vacancy

Substitute Members of the Committee

Councillors Adams, Baily, Jones, Kendall, Mrs Pile and Mrs Shillcock

Church Representative Member*

Mr G Anderson and Mr M G Gibbons

Parent Governor Representative Members*

Mr O Dempsey and Mrs D Whitbread

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THE OVERVIEW AND SCRUTINY COMMISSION
14 September 2006 (7.30 pm)
Council Chamber, Fourth Floor, Easthampstead House, Bracknell.

AGENDA

Page No

1. **APOLOGIES FOR ABSENCE AND SUBSTITUTE MEMBERS**
To receive apologies for absence and to note the attendance of any substitute Members.

2. **MINUTES AND MATTERS ARISING** 1 - 6
To approve as a correct record, the minutes of the meeting of the Overview and Scrutiny Commission held on 20 July 2006.

3. **DECLARATIONS OF INTEREST AND PARTY WHIP**
Members are required to declare any personal or prejudicial interests, and the nature of that interest, including the existence and nature of the Party Whip, in respect of any matter to be considered at this meeting.

4. **URGENT ITEMS**
Any other items which, pursuant to Section 100B (4) (b) of the Local Government Act 1972, the Chairman decides are urgent.

PERFORMANCE MONITORING

5. **DEPARTMENTAL OVERVIEW AND PERFORMANCE**
To consider the latest trends, priorities and pressures in terms of departmental performance for Corporate Services and Resources.
 - QOR for the first quarter of 2006/2007 (previously circulated) refers.

6. **BEST VALUE REVIEW OF TRANSPORT**
A discussion with the Executive Member for Leisure and Corporate Services on implementing the Review.

AUDIT AND INSPECTION

7. **AUDIT COMMITTEES AND SCRUTINY** 7 - 10
To consider a report by the Assistant Chief Executive on updating the Commission's Terms of Reference in relation to consideration of audit matters.

OVERVIEW AND POLICY DEVELOPMENT

8. TREE POLICY REVIEW GROUP

11 - 32

To consider the final report of the Tree Policy Review Group, a working group of the Environment and Leisure Overview and Scrutiny Panel.

9. OTHER OVERVIEW AND SCRUTINY ACTIVITY

To consider other overview and scrutiny activity including updates from Panel Chairmen.

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Agenda Item 2

OVERVIEW AND SCRUTINY COMMISSION 20 JULY 2006 (7.30 - 9.30 pm)

Present: Councillors Sargeant (Chairman), McLean (Vice Chairman), Beadsley, Mrs Birch, Browne, Edger, Leake and Worrall

Apologies for absence were received from:

Councillors Earwicker, Harrison and Thompson (Councillor Kendall substituting) and Mr G Anderson.

In attendance: Jan Haunton, Overview and Scrutiny Manager
Damian James, Head of Transport Provision
Alan Nash, Head of Finance
Alison Sanders, Director of Corporate Services

7. Minutes and Matters Arising (Item 2)

RESOLVED that the minutes of the meeting of the Overview and Scrutiny Commission held on 18 May 2006 be agreed as a correct record, and signed by the Chairman.

8. Declarations of Interest and Party Whip (Item 3)

There were no declarations of interest or indications that Members would be participating whilst under the party whip.

9. Urgent Items (Item 4)

There were no urgent items.

10. Corporate Performance Overview Report (Item 5)

The Commission considered a report by the Chief Executive to inform the Executive of the performance of the Council over the fourth quarter of 2005/2006 which covered the months of January to March 2006. The Corporate Performance Overview Report was appended as Annexe A to the Chief Executive's report.

The Commission welcomed Alison Sanders, Director of Corporate Services, to the meeting. She stated that where answers could not easily be provided, officers would be asked to provide the information for circulating amongst Members.

The Corporate Performance Overview Report was the fourth and final report of the Chief Executive for the 2005/2006 financial year and the summary contained therein was based on more detailed information arising from each Director's Quarterly Operations Reports for the period January to March 2006 which had been previously circulated to Members.

The Overview report provided the Executive with a high-level summary of progress and performance in respect of the Council's services and, in so doing, identified both the achievements and those areas where there may have been concerns raised.

It was reported that, overall, the quarter showed continued good performance across the Council's services and, at a corporate level, the report drew Members' attention to work which had or was currently being undertaken in respect of:

- The Town Centre Redevelopment Programme
- Elected Member Development Charter Mark
- Budget 2006/2007
- Older People's Services Inspection

The report highlighted some areas of notable performance at departmental level over the last quarter, however, the following three areas had not performed as well as expected:

- Risk-based Inspections in Environmental Health
- Housing Benefits
- Reported Crime

The Commission noted that the Council continued to make sound progress towards the achievement of its objectives and that the report served to highlight the Council's successes and to focus on some of the more challenging issues the Council faced.

The following points emerged from discussion around the report:

- It was welcomed that the decision to grant outline planning permission in respect of the Town Centre Redevelopment Project had not been called-in by Ministers and that this was good news.
- On the matter of the £717,000 pump-priming grant, the Director of Corporate Services was requested to seek an explanation as to how this money was to be spent and to identify the ten targets agreed by the Government and partners, as referred to in the report. The Head of Finance advised Members that the funding was in addition to the budget allocation and would be used to support the delivery of the targets set and that the process had been discussed with partners. He added that the report to the Executive showed how the money was to be allocated amongst departments to achieve targets set.
- A Member sought clarification as to the difference between "recorded" crime and "reported" crime and how, if different, these were measured.
- The Commission was advised that LPSA II Targets had been worked on with Bracknell Forest Partnership Service Board and that some had been led by the Police. The Director of Corporate Services offered to have a copy of the targets circulated to members of the Commission in due course.
- A Member expressed concern regarding the time taken to process Council Tax and Housing Benefits Claims and, given the deterioration from last year's performance, asked what the Council was doing to improve processing time.
- In respect of teenage pregnancy rates, the Commission was advised that in collating the figures, no distinction was drawn between those teenagers who were married and those who were not. In addition, Members were asked to be mindful of the fact that small numbers reported could equate to big swings in related percentages.
- A Member expressed concern given the problem of mathematics success rates within the Borough and asked what the Council was doing to support schools in this area. The

annual indicator had set a target of 83% of pupils in schools maintained by the LEA achieving Level 4 or above in Key Stage 2 Mathematics test and that the actual progress to date was 77%. In the absence of a representative from the Department of Education, Children's Services and Libraries, the Director of Corporate Services stated that Key Stage 2 Targets set were particularly challenging and that Bracknell Forest had objected considerably to those targets which, nationally, very few schools had met.

- In response to a concern raised by a Member as to whether the 2003 figure should be reflected in the report under MTO 15, the Commission was advised that there were two key ways in which to survey citizens. One was by way of a survey being conducted by the Audit Commission and the other by way of being carried out separately. The Member went on to express his concern that whilst the Council had good customer services figures, the good work being done was not being reflected in the figures.
- Members raised concern regarding the outcome of the internal audit of the Agresso system and asked when the system would be working properly. The Commission was advised that the system was working well and that Internal Audit's recommendations related to the operating system access controls. The expectation was that improvements would be made ahead of the next audit.
- A Member sought clarification as to the 3 stage complaint process, upon which clarification was given. A request for comparative information from the previous year was sought as it was felt that this would help to put current performance data into context although it was recognised that it would not reflect recent organisational changes.

11. Implementing the Best Value Review of Transport Provided by the Council (Item 6)

The Commission was introduced to Mr Damian James, the Council's Head of Transport Provision.

The Commission considered a report by the Borough Treasurer updating the Commission on the progress that had been made to date in respect of the implementation of a Best Value Review of transport provided by the Council.

The Commission recalled that, at a meeting held in January 2005, the Executive approved, in principle, the recommendations arising from the Best Value Review of transport provided by the Council, subject to a more detailed feasibility study on the work necessary to establish a centralised transport unit.

The following points emerged from discussion around the report.

- The Commission noted that the Council was confident that it could achieve savings phased over time and that the primary focus was to establish a unit and to obtain financial results.
- Members raised concern about a working group which was to be set up following previous discussions and how this group would be taken forward. Members argued that a decision had been taken to establish a Member / officer monitoring group to monitor progress of transport provision and to ensure the anticipated savings were achieved. Since this appeared not to have been set up, a Member sought clarification as to which Executive Member was monitoring the matter and asked that the appropriate Member be invited to address the Commission as to progress hitherto.

- The Commission was advised that, given that Social Services Transport was more fragmented than Home-to-School Transport, the Council would be commencing with a review of Home-to-School provision, followed by Social Services provision.
- The Commission was also advised that there were under utilised vehicles within the Council's fleet. The establishment of a centralised transport unit would help to ensure these vehicles were utilised more effectively.
- In response to a question from a Member in respect of the size of the Council's fleet, the Commission was advised that this comprised some 142 vehicles, of which the vast majority (up to 3.5 tonnes) were specifically for use by Bracknell Forest Services. The next largest groups comprised mini-buses, landscape vehicles (up to 3.5 tonnes) and eight over 3.5 tonnes.
- In response to a question from a Member in respect of the establishment of a Transport User Group and the make up of the membership, the Commission was advised that the Group comprised officers from the Departments of Education, Children's Services and Libraries; Social Services and Housing and Environment and Leisure. Members were concerned that there was no provision for external representatives, transport users or Members on the Group. In response, the Commission was advised that the reason for it being set up was to enable Mr James the opportunity to ascertain how the Council worked in respect of transport provision, however, officers understood Members concerns regarding the need for a wider membership in the future.
- A Member raised concerns as to the level of expenditure (£2.1m) spent by the Council on the provision of taxis. The Commission was advised that the majority of this spend (£1.9m) was in respect of residents with special needs and Home-to-School transport provision. The remainder was made up of ad hoc taxi arrangements.
- A Member raised concerns having read the original Best Value Review report, which he regarded as very accomplished. He and others were concerned, given that the report contained 26 detailed appendices and that all the necessary information was there, as to why any significant progress had taken so long and the possibility of the Council not achieving the anticipated savings.

It was **AGREED** that

1. the Executive Member with responsibility for the provision of the Council's Transport Services be invited to attend the Commission and to address the concerns raised by Members; and
2. a Sounding Board be established to comprise three Members of the Commission and that they report to the Commission periodically.

12. Audit Committees - Current Developments (Item 7)

The Commission considered a report (discussion document) by the Borough Treasurer which reviewed the Council's existing arrangements, considered the advantages and disadvantages of Audit Committees and identified an alternative approach following the publication of the Chartered Institute of Public Finance and Accountancy's (CIPFA's) "Audit Committees – Practical Guidance for Local Authorities (2005)", which favoured an independent Audit Committee for local authorities. CIPFA did, however, acknowledge that other approaches taken by local authorities were valid.

The Commission was advised that, although local authorities were not obliged to have a separate Audit Committee, such Committees were increasingly seen as good practice and independent forums to receive reports on the progress of Internal Audit and External Audit were also gaining prominence through the requirements of the Comprehensive Performance Assessment (CPA) process.

Members' views were sought on the proposals and the following points emerged from discussion around the report.

- In response to a question by a Member regarding the formal status of the Council's Final Accounts Committee (FAC) and how audit fitted in with this, the Commission was advised that the FAC served a completely different function and had no role in relation to audit.
- A Member stated that, whilst he was averse to increasing bureaucracy and demands on Member and officer time he did, however, feel there would need to be extremely compelling reason(s) to go against the advice of CIPFA and the Audit Commission given Bracknell Forest's stance as a leading local authority for financial management.
- In response to a suggestion from a Member that an Audit Committee be combined with the FAC, the Commission was advised that there were problems in combining the two as these had to be seen as independent of each other.
- It was recognised that the Council would, in time, be required to establish an Audit Committee and, until that time, the Commission could amend its terms of reference and use a sounding board as a means of addressing issues as these arose and to feed these back to the Commission. Members were reminded that any review of the Commission's terms of reference would require the approval of the Council and the Council's Constitution duly amended.

13. Other Overview and Scrutiny Activity (Item 8)

Councillor Beadsley announced that he had prepared a bike report on cycling in the Borough and added that the report had been passed to the Director of Environment and Leisure and that he intended to also pass it to the Environment and Leisure Overview and Scrutiny Panel.

Adult Social Care and Housing Overview and Scrutiny Panel

Councillor Edger reported that a report on anti-social behaviour had been circulated and that this was to be presented to the next meeting to be held on 14 September 2006. He added that the final report was due by the end of this municipal year and he took the opportunity to commend the work undertaken by Members on the report.

Environment and Leisure Overview and Scrutiny Panel

Councillor Browne reported that the Council's Tree Policy Review Group had prepared a report and advised the Commission that it would receive a copy of this prior to it being submitted to the Environment and Leisure Overview and Scrutiny Panel.

Lifelong Learning and Children's Services Overview and Scrutiny Panel

Councillor Mrs Birch advised that "Vision for Youth" had provided a good scoping meeting and that dates had been secured for future meetings.

Health Overview and Scrutiny Panel

Councillor Leake reported that, at its last two meetings, the Panel had been focussing as a working group on changes affecting Primary Care Trusts (PCTs) and that over the next 12 months, the Panel would be asked to focus upon budgetary aspects of the PCTs given their pending reorganisation. He added that there was a need for a greater interface and understanding with the Health and Social Care Partnership Board as its work – and vice versa – would be affected by the reorganisation.

CHAIRMAN

OVERVIEW AND SCRUTINY COMMISSION 14 SEPTEMBER 2006

REVISED TERMS OF REFERENCE FOR THE OVERVIEW AND SCRUTINY COMMISSION (Head of Performance and Scrutiny)

1. INTRODUCTION

- 1.1 At their meeting on 20 July 2006, the Overview and Scrutiny Commission considered a report by the Borough Treasurer on 'Audit Committees – Current Developments'. The Commission noted those developments and concluded that the Commission's Terms of Reference should be amended to more explicitly incorporate the functions of an audit committee; and that two Members of the Commission should take the lead in exercising those functions. The Commission also recognised that this new arrangement would probably require review in due course, given CIPFA advice and the move elsewhere in local government towards separate audit committees.

2. SUGGESTED ACTION

2.1 That the Overview and Scrutiny Commission agree

- a) To recommend to the Constitution Review Group an addition to the Commission's Terms of Reference as set out in the new Article 6.02 (ix) in Appendix 1;
- b) To adopt the working arrangements as set out in Appendix 2;
- c) To confirm the nomination of Councillors McLean and Worrall as the two Members of the Commission to take the lead on those arrangements.
- d) To review the effectiveness of the new working arrangements in one year's time.

3. SUPPORTING INFORMATION

- 3.1 The new arrangements to some extent serve to codify current arrangements, for example the Overview and Scrutiny Commission already routinely review the external auditor's management letter, and in pursuance of Financial Procedure Rule FR16, the Borough Treasurer reports regularly to the Overview and Scrutiny Commission on internal audit activity.

4. Borough Solicitor

Nothing to add to the report.

5. Borough Treasurer

Nothing to add to the report.

Background Papers

Audit Committees – Current Developments (Paper by Borough Treasurer, 20 July 2006)

Contact for further information

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ARTICLE 6 – OVERVIEW AND SCRUTINY

6.01 Overview and Scrutiny Commission

The Council will appoint an Overview and Scrutiny Commission, as set out in Article 6, to discharge the functions conferred by Section 21 of the Local Government Act 2000 and regulations made thereunder.

6.02 Terms of Reference

The Overview and Scrutiny Commission shall:

- (i) develop a work programme of overview and scrutiny reviews and policy development projects, in consultation with the Executive and the Corporate Management Team.
- (ii) appoint a number of overview and scrutiny panels, managing and updating their work programme as necessary, including considering any request from an overview and scrutiny panel, or any Member thereof, to add an item to the work programme.
- (iii) review decisions made, but not yet implemented, by the Executive and any other Committee, where these have been called-in.
- (iv) itself, or through an overview and scrutiny panel:
 - review and/or scrutinise decisions made, or actions taken, in connection with the discharge of any of the Council's functions;
 - consider any matter affecting the Borough or its inhabitants.
- (v) make reports and/or recommendations to Council and/or the Executive and/or any other committee in connection with the discharge of any functions.
- (vi) receive summary performance management information and question Members of the Executive and Officers thereon.
- (vii) ensure the efficient discharge of a robust and effective overview and scrutiny function.
- (viii) prepare and submit an annual report to the Council on overview and scrutiny activities and their outcomes.
- (ix) **Reinforce effective governance, particularly through reviewing the activities of the Council's internal and external auditors, in consultation with the Borough Treasurer.**

OVERVIEW AND SCRUTINY COMMISSION

AUDIT COMMITTEE FUNCTIONS

The functions referred to in Article 6.02 (ix) of the Constitution are those normally carried out by an Audit Committee of a public body in the United Kingdom, and comprise – but are not limited to - the following:

1. Review and recommend for the Borough Treasurer's approval the cyclical programmes of internal audit activity.
2. Regularly review summaries of internal audit reports and other reports of audit activity, including the annual report on the effectiveness of internal controls.
3. Review the External Auditor's annual Management Letter, together with any reports.
4. Review reports of any major risks faced by the Council, together with associated risk management strategies.
5. Review and comment on the Statement of Internal Control, forming part of the Council's published Annual Accounts.
6. Make an input to the review of the Council's draft Annual Accounts, prior to their consideration by the Council's Final Accounts Committee.

OVERVIEW & SCRUTINY COMMISSION 14 SEPTEMBER 2006

DRAFT FINAL REPORT OF SCRUTINY WORKING GROUP ON TREE POLICY (Tree Policy Review Group)

1 BACKGROUND

- 1.1 This paper covers a draft final report of the Tree Policy Review Group, established by the Environment and Leisure Overview & Scrutiny Panel, which has worked with officers in preparing a new tree policy. Having considered the report at its meeting held on 4 September 2006, the Panel recommended that the Overview and Scrutiny Commission refer it to the appropriate Executive Members for consideration.
- 1.2 The report acknowledges that trees are an important feature of Bracknell Forest's landscape and visual environment, but considers the existing policy is due for review. It proposes changes to the Council's current strategic and operational policies to meet the demands of the community, to provide appropriate tree protection, to meet national best practice and to better reflect quality of life issues. It also includes a draft action plan for the tree team to take forward the proposals.

2 SUGGESTED ACTION

- 2.1 **That the Overview and Scrutiny Commission refer the report to the Executive Members for Planning and Transportation and Leisure and Corporate Services for their consideration.**

3 SUPPORTING INFORMATION

Context

- 3.1 Bracknell Forest is very fortunate in having a very rich natural environment that contributes in a positive way to the image of the Borough. The attractive visual environment is much appreciated by residents and this is evidenced by public opinion surveys. Trees are a very important feature in creating this attractive landscape.
- 3.2 The Council has been very pro-active in preserving trees through management of its own land and influencing private landowners via development control processes and Tree Preservation Order Procedures. The existing policy (which is in part a legacy of the New Town designation) is that no trees will be removed unless dead, diseased or dangerous. However, in the case of development sites this is not feasible. There are also issues relating to the proximity to buildings that would benefit from review. It was felt that the scrutiny review group could helpfully consider these issues with a view to making recommendations for developing future policy.

Approach Taken

- 3.3 The review group (Councillors Browne, Adams, Finch, Miss Haydon and Leake), was set up by the Environment and Leisure Overview & Scrutiny Panel to work with officers in preparing a new tree policy for consideration by the Executive Members for Planning and Transportation and for Leisure and Corporate Services. The group first met in September 2005 with a wide range of council officers involved in all aspects associated with tree management.

- 3.4 The review group looked at documentary evidence, sought external challenge to current policies, considered national best practice, visited problem areas within the borough and heard resident's views and opinion's. They also tested public opinion via consultation leaflets and public meetings (detailed in the draft final report).

Findings and Conclusions

- 3.5 The review group recognised that trees contribute a visual, social, conservation and physical aspect of quality of life which previous tree policy had not taken into account. They acknowledged that quality of life issues needed to be balanced with the need for tree protection, safety and subsidence issues and conservation. They also noted that trees that affect quality of life are primarily in private gardens or on Council land next to gardens.
- 3.6 The group observed that the public generally have a great affection for trees and will tend not to remove them unless they are significantly affecting their quality of life. They also noted that whilst it is common practice for the council to consult with the community about a wide range of general and specific issues, this was not always the case in relation to trees and many home owners were demanding a voice to determine what happens to trees within and near to their property.

Conclusions and Recommendations

- 3.7 The working group concluded that changes to the Council's current strategic and operational policies are essential if it is to meet the demands of its community, to provide appropriate tree protection where justified and to meet national best practice (full details of their conclusions are at p.11 of the draft report).
- 3.8 They agreed that four fundamental principles that should guide future work on tree related matters:
- The right tree in the right place
 - Quality of life counts
 - Give residents more influence
 - Resources need to match workload
- 3.9 The review group also considered how best to deliver the proposed changes to strategic policies and set out an extensive action list (Appendix A to the report) which effectively provides a five-year work programme for the tree team. Delivery of this action plan will achieve a good balance between protecting trees and the quality of life of individuals. It will also make our tree services a leader in the field by adopting cutting-edge working practices and policies.

Financial Implications

- 3.10 Some of the actions can be implemented within existing resources. A bid will be submitted in the next budget round for those that require extra resources.

Contact for further information

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Doc. Ref

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**REPORT OF
TREE POLICY REVIEW GROUP**

AUGUST 2006

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Brief agreed by Environment & Leisure Overview & Scrutiny Panel

Purpose:

To support and advise officers in the preparation of a new tree policy to be determined by the Executive Member for Environment, Planning & Transportation and the Executive Member for Leisure.

Background:

This Borough is very fortunate in having a very rich natural environment that contributes in a positive way to the image of the Borough. The attractive visual environment is much appreciated by residents and this is evidenced by public opinion surveys. Trees are a very important feature in creating this attractive landscape.

The Council has been very pro-active in preserving trees through active management of trees on its own land and through influencing private landowners through development control processes and Tree Preservation Order Procedures. The existing policy is that no trees will be removed unless dead, diseased or dangerous. However, in the case of development sites this is not feasible. There are issues relating to the proximity to buildings that would benefit from review. It is felt that Scrutiny members could have an important input to review and develop future policy.

INTRODUCTION

The Importance of trees in the Borough:

This Borough consists of a new town and several small villages set in the midst of an ancient royal hunting forest, hence the name Bracknell Forest. This Council is very fortunate in having such a very rich natural environment that contributes in a positive way to the image of the Borough. The attractive visual environment is much appreciated by residents and this is evidenced by public opinion surveys. Trees are a very important feature in creating this attractive landscape and indeed the level of tree cover in this Borough is probably unique.

Trees are also important for wildlife and the northern half of the Borough has many areas of land shown on the Ancient Woodlands Register and / or designated as Wildlife Heritage Sites. The north of the Borough with its clay soils hosts many veteran trees particularly oaks. Trees also have other heritage interest; for instance 'The Chestnuts' in Whitegrove mark an ancient boundary.

The southern half of the Borough has a different landscape character arising from the sandy soils. Much of this is owned by The Crown Estate and managed as commercial forestry. Neighbourhoods such as Birch Hill, Hanworth, Crown Wood and Forest Park were all built within areas of former forestry plantation. When these southern neighbourhoods were built, great efforts were made to protect trees and so the landscape now contains wooded open spaces, shelterbelts along roadsides and some trees in gardens.

The generous open space standard of 'ten acres per thousand people' was established in the early days of the Bracknell Development Corporation and was part of the vision of a green and pleasant place to live, work and play. This has been an incredibly successful policy that has stood the test of time and enabled the fantastic treescape that we now have. Throughout the Borough, trees have been retained in close proximity to residential and business premises. However, what is acceptable when a house is built, may not be acceptable 30 years later and so there is an ongoing issue about the proximity of trees to houses. Over the years, improvements in building design and technology, a much greater understanding and knowledge of tree morphology and increased levels of public awareness and appreciation of trees continuously influence our approach to the built environment.

There have been very strong policies on protection of trees. However, the Council does not have a written policy on the proactive management of its tree stock. In practice, the rule has been that work has only been undertaken if a tree is dead, diseased or dangerous. This policy results in many complaints from residents because it can have a serious impact on their quality of life. There are many differing opinions on what to do about trees both among professionals and residents. Also, attitudes and laws can gradually change over time. It is felt that a more detailed policy would result in greater consistency in achieving an appropriate balance between competing demands and issues.

The Tree Policy Review Group:

To facilitate the review of tree policies a Review Group was set up with a core of five members and officer support as appropriate. The membership and programme are detailed in Appendix 2.

The Review Group has reviewed the documented evidence, sought external challenge to its current policies, reviewed national best practice, visited existing tree based situations and problem areas, and listened to Councillors presenting resident's views and opinion's. The

Wooden Hill area was used as a case study to test public opinion. A public consultation leaflet was issued to 500 residents and two public meetings were held. The working group concluded that changes to the Council's current strategic and operational policies are essential if it is to meet the demands of its community, to provide appropriate tree protection where justified and to meet national best practice.

Staffing and Resources:

The Council is fortunate in having a team of 3.75 FTE specialist Tree Officers and two manual staff. This co-ordinated team provides technical advice on both land management and planning issues relating to trees. One benefit of having such a team is that it has the potential to ensure a consistent approach to be taken across the Council. Also it enables workloads to be shared and spread according to priorities.

- 1 FTE Principal Tree Officer, to co-ordinate the work of the team;
- 1 FTE dealing with planning issues;
- 1 FTE dealing with tree protection and land management;
- 0.75 FTE dealing with risk assessment and highway safety inspections;
- 2 FTE climbing arboriculturalist

The staffing compliment deals with about 1500 service enquiries each year on tree issues (30 each week). Of these 1500 enquiries, about 1000 are about Council owned land and 500 about private land. Further details of these customer service enquiries are provided in Appendix 3.

The specialist tree team liaise with other officers in many other sections of the Council on related matters e.g. housing, insurance, planning.

Bracknell Forest Borough Council's tree management process is characterised by a reactive programme of tree pruning and emergency tree remedial operations due in the main to a very small revenue budget for tree management, other than the staffing resource. There is no consolidated budget for the management of Council owned trees. In the past year, capital funding has been approved to finance essential tree works, £50,000 in total, this funding stream ceases on 31 March 2006. The programme of work has concentrated on trees considered to be in high risk areas, e.g. adjacent to major public highways and thoroughfares.

There is currently no information technology system with which to assess risk and to track and plan the management of the Council's tree stock. However, a sum has been included in the capital budget for 2006/07 and it is hoped that the new system will be operational by March 2007.

POLICY 1– QUALITY OF LIFE

As stated above, previous policy has not taken quality of life into account as it has generally not approved any work unless the trees are dead, diseased or dangerous. Complaints about trees that affect quality of life are primarily in private gardens or on Council land next to gardens. Legislation and case law with regard to management of the Council's tree stock does give clear guidance on the legal definition of various quality of life issues such as nuisance and the rights of property owners to prune overhanging trees. At the moment, our working practices comply with these minimum requirements. However, we do have choices as to how and when we apply this law and we are able to take quality of life issues into account if we wish to do so in relation to our own tree stock.

Recent guidance from the former Office of the Deputy Prime Minister and organisations such as CABE (Commission for Architecture and Built Environment) all suggest that society needs to work towards improving the quality of life in urban areas. Government funding has been put into promoting what has become known as the 'liveability agenda'.

The principles of best value run throughout all local authority work and this involves public consultation. Audit Commission and CPA processes all involve listening to the views of residents and acting on these where appropriate. Evidence from local councillors, customer service enquiries and the Wooden Hill public consultation all indicates that local people wish to have quality of life issues taken into account in dealing with tree related matters.

Giving homeowners an opportunity to influence what happens to trees near their homes may result in the loss of some trees. However, it is felt that the public generally have a great affection for trees and will tend not to remove them unless they are significantly affecting their quality of life. Tree works are expensive and residents will only undertake them in private gardens if they have good reasons for doing the work. Trees have many benefits but can also be inconvenient and expensive to maintain. The presence of trees can affect property values. It is suggested that, given the large number of trees in this Borough, the loss of a small number of trees will not have a huge impact on the overall landscape. In order to test the effect of giving residents more choice, it is suggested that the Tree Preservation Order at Wooden Hill be removed and that the outcome be monitored. It is recommended that approval be sought from the Planning Authority to remove the Tree Protection Order at Wooden Hill.

Where residents request tree works on council-owned land, it may be that the council has no objection to the work being carried out but that it does not consider the work to be a priority for funding. In the long term, it may be possible to develop a scheme that allows residents to fund this work themselves. Again the cost is likely to limit the take up of this service.

Consequently it is felt that quality of life issues should become an issue that merits consideration when determining what measures are applied to any particular tree and that residents should have influence, but not unqualified choice, in such matters.

The importance of the difference between choice and influence for residents is that the Borough Council is obliged to have a long term stewardship role on the environment and will provide a stable basis from which to assess long term impacts. Individual residents, however well intentioned, will have an understandably shorter term and 'selfish' view on those issues that affect them and left uncontrolled this through an incremental process could produce an unintentional negative impact on the visual environment.

POLICY 1

QUALITY OF LIFE SHOULD BE TAKEN INTO ACCOUNT WHEN DEALING WITH TREE ISSUES AS WELL AS HERITAGE, LANDSCAPE, WILDLIFE AND VISUAL AMENITY VALUE.

POLICY 2 – TREE PROTECTION

This Borough is about 42 square miles in size and over 20% of the Borough is wooded. Therefore, there are probably at least 8.4 square miles of trees. Much of this is in private ownership, in particular The Crown Estate, but a significant amount is in urban areas, predominantly in private gardens or in public open spaces. The Council owns and manages 3% of the Borough as public open space and a significant amount of this is woodland.

In the past, the Council has used four main tools to protect trees:

- Direct management of land we own;
- Putting covenants on sold Council properties;
- Making Tree Preservation Orders on sites with development threats;
- Designating Wildlife Heritage sites

Ownership of land is probably the most effective means of protection. The Council has proactively bought land in the past.

There is some land in the Council's ownership that has Tree Protection Orders on it. Advice from the former Office of the Deputy Prime Minister is that Tree Protection Orders are not appropriate on Council land as ownership is effective tree protection. There is also a complication that the Council cannot agree to felling works on trees on its own land without referring to Office of the Deputy Prime Minister. This is clearly an unnecessary level of bureaucracy and in fact takes what should be a local decision and gives that responsibility to central government.

When former Development Corporation and Council houses were sold, restrictive covenants were placed on these preventing any works to be done without the approval of the Council. Dealing with these requests creates much work for the Tree Officers. The number of properties with restrictive covenants is probably in excess of 7,000. It is suggested that we give residents some choice as to what to do with these trees in their gardens. Legal advice is that it would be difficult to remove these old covenants but that we do not have to continue to enforce them. We could also stop applying covenants on future sales. It would be possible to manage this on an incremental basis with homeowners being advised when a new tree enquiry is made what future actions, if any, require further council permission.

Legislation regarding Tree Protection Orders is under Town & Country Planning Acts and aims to protect trees at risk from development. Tree Protection Orders have been made in response to development threats that were valid at the time. However, they have never been reviewed and so reflect the history of development rather than their current importance in the landscape. There are 618 Tree Protection Orders dating back to the 1950's. In 2000, Department of the Environment, Transport and the Regions Statements (DETR) advised local planning authorities to:

"....keep their Tree Protection Orders under review. By making full use of their variation and revocation powers LPA's can ensure their Tree Protection Orders are brought up to date when the time is right to do so."

The Council has not undertaken a comprehensive review as suggested above, although an audit has been completed during 2005. This audit showed that 80% of Tree Protection Orders do not reflect the current situation on the ground. Legislation has changed over the years and the old Tree Protection Orders may not have much legal validity, particularly those prior to 1975. Many of the Tree Protection Orders in question were made on or before the mid 1970's and attempts by the Council to take enforcement action through the courts against 'illegal' work may not succeed. Details of the age and location of Tree Protection Orders are given in Appendix 5.

It is suggested that a major review of Tree Protection Orders be undertaken. Additional staffing resources will be needed and it may not be feasible to resource this work in the near future. Guidelines for this review will need to be agreed. In order to give residents more choice about quality of life issues, it is suggested that Tree Protection Orders will only be applied to private gardens where trees have high visual amenity value.

Ideally a review of tree protection should also look pro-actively at trees that are worthy of protection but at the moment do not have any. As this Borough is set in an ancient royal hunting forest, there are many veteran and notable trees around. These have not been identified (or protected) in any systematic way. Co-operation with Town and Parish Councils could help to identify such trees.

POLICY 2

- 2.1 THE COUNCIL WILL SEEK TO REVIEW AND UPDATE TREE PRESERVATION ORDERS ON A REGULAR BASIS.**
- 2.2 THE COUNCIL WILL NOT NORMALLY APPLY TPO'S TO ITS OWN TREE STOCK.**
- 2.3 THE COUNCIL WILL NO LONGER APPLY RESTRICTIVE COVENANTS ON TREES FOR ALL NEW HOUSE SALES BUT WILL APPLY TREE PRESERVATION ORDERS IN APPROPRIATE CIRCUMSTANCES.**
- 2.4 THE COUNCIL WILL ADVISE EXISTING OWNERS AFFECTED BY RESTRICTIVE COVENANTS WHAT CHOICE THEY HAVE IN THE MANAGEMENT OF TREES ON THEIR PROPERTY AS EACH NEW TREE ENQUIRY IS MADE.**
- 2.5 THE COUNCIL WILL GIVE PRIORITY TO PROTECTION OF TREES ON POTENTIAL OR ACTUAL DEVELOPMENT SITES.**
- 2.6 THE COUNCIL WILL PROMOTE RESPONSIBLE STEWARDSHIP OF TREES.**
- 2.7 THE COUNCIL WILL CONSIDER HOW BEST TO PROTECT VETERAN AND NOTABLE TREES ON PRIVATE LAND AS WELL AS THOSE WITH HIGH AMENITY VALUE.**

POLICY 3 – SAFETY & SUBSIDENCE

The Council owns trees on school sites, adjacent to highways, in parks and countryside areas, on housing / social services land and on amenity open space. The Council has a duty of care and needs to take reasonable measures to ensure the safety of residents. Awareness of safety responsibilities has increased as a result of some key court cases. Many council's have improved their systems and procedures for dealing with safety issues. Our approach to safety should be consistent across departments and a risk-based approach needs to be adopted.

Funding was included in the capital budget for 2006/07 to enable a new computerised tree record system to assess risk and plan and track works to the Council's tree stock.

The legal framework is such that Councils are increasingly expected to have professional officers acting in a competent manner and exercising a duty of care. Ongoing professional development is essential if we are to conform with good practice and to actively support our insurers in defending claims. So as to avoid incurring professional liabilities, the Council should not give advice on the maintenance of private trees unless there are very good reasons for doing so.

The Council may be liable for alleged subsidence damage caused by the roots of trees on Council land that encroach on to private property. There are outstanding insurance claims relating to subsidence. The subsidence issues are only relevant in areas of clay soil. Building Control Officers (and independent inspectors) have an important role to play in ensuring that

foundations on new buildings are adequate. Tree roots can damage the fabric of streets with consequences for highway budgets. Tree roots can also damage private drains and utility apparatus owned by utility companies. Climate change may have long term consequences for the safety and stability of trees.

It is reported by Councillors that in many parts of Bracknell Forest, householders cannot obtain household building insurance because of the proximity and maturity of the existing tree stock creating risks that the insurance company say are too great to represent a reasonable commercial insurance policy – this is the reason given by insurance companies when declining to provide cover. In some cases, the trees in question are protected by Tree Preservation Orders and there is a presumption against tree surgery and felling on the grounds of a loss of public amenity and or landscape value. It is suggested that householders be advised to seek insurance from a different company.

POLICY 3

THE COUNCIL ADOPTS A RISK-BASED APPROACH TO MANAGING ITS TREE STOCK AND THE DISCHARGE OF ITS STATUTORY AND PUBLIC LIABILITY RESPONSIBILITIES.

POLICY 4 – LAND MANAGEMENT

The Council does not have a tree / woodland strategy for the Borough. Other than the Medium Term Objectives 'to create and maintain a quality environment' there is no agreed vision, objectives, strategy or action plan. This report makes a start on this process and possible actions are listed in Appendix A. It is recommended that a tree / woodland strategy should be drawn up and published on the website.

Implementation of a long-term tree strategy will require additional resources. Existing budgets deal only with some essential health and safety issues. A consistent approach to the management of trees across the various Council departments is desirable.

A research study by Myerscough College indicates that the average annual spend in 2004 was £271,000 per local authority. The same study indicates that 56% have computerised tree management systems and 64% have tree strategies. 71% of tree work is carried out in response to problems rather than through a scheduled work plan. This Council does not have a consolidated budget for tree works as budgets are scattered across service departments and often included in 'additional works' budgets so are not separately identified. It is suggested that Senior Managers negotiate Service Level Agreements with other departments so as to identify Service needs and to identify and secure budgets.

About 1500 service enquiries are received each year on tree issues (30 each week). Of these 1500 enquiries, approximately 1,000 are about Council owned land and 500 about private land. Service to the public would be improved if more information could be made available on the website on tree-related issues. In particular, access to information on Tree Preservation Orders could be made available on-line.

POLICY 4

THE COUNCIL WILL SEEK TO ENSURE GOOD PRACTICE IN THE MANAGEMENT OF TREES IN ITS OWNERSHIP.

POLICY 5 - PLANNING

Bracknell Forest Borough Council's planning policies EN1 and EN2 in the Local Plan say that we will protect trees where appropriate. These existing planning policies for tree protection are satisfactory.

Much work goes into dealing with the implementation of these tree policies on active development sites. Close co-operation is needed between the Tree Team and Development Control Officers. From time to time, enforcement issues arise. Systems for dealing with emergencies out-of hours are in need of review.

Clearly it is impossible in many cases to enable house building and retain all trees on all sites. Difficult choices have to be made, hopefully (but not always) in agreement with developers. A new British Standard BS5837 (2005): "Trees in relation to construction sites" has become available. This sets out a structured approach to dealing with tree retention. This standard sets out guidance on how to undertake tree surveys, to achieve a balance between tree protection and development and how to protect trees during building operations. The appointment by developers of a competent arboriculturalist is crucial to achieving high standards. It is recommended that this be adopted in order to ensure compliance with latest guidance. However, it is recognised that small developers may not have the resources to undertake such surveys and a more pragmatic approach may be appropriate.

Matters relating to Tree Preservation Orders have been dealt with elsewhere in this report.

Permitted Development Rights can allow householders to build extensions near to trees. Although in theory, Building Regulations ensure that foundations are adequate, there have been cases where claims for subsidence damage have been made against the Council.

POLICY 5

THE COUNCIL WILL SEEK TO ENSURE BEST PRACTICE PRINCIPLES IN RESPECT OF TREE PROTECTION, PARTICULARLY WHEN DEALING WITH PLANNING APPLICATIONS RETENTION.

REVIEW GROUP CONCLUSIONS

Trees contribute a visual, social, conservation and physical aspects of quality of life. Previous tree policy has not taken quality of life into account. Quality of life needs to be balanced with the need for tree protection, safety and subsidence issues and conservation. Trees that affect quality of life are primarily in private gardens or on Council land next to gardens.

The public generally have a great affection for trees and will tend not to remove them unless they are significantly affecting their quality of life. It is common practice to consult with the community about general and specific issues, and many home owners are demanding a voice to determine what happens to trees within and near to their property.

The Review Group agreed that there are four fundamental principles that should guide future work on tree related matters:

- THE RIGHT TREE IN THE RIGHT PLACE
- QUALITY OF LIFE COUNTS
- GIVE RESIDENTS MORE INFLUENCE
- RESOURCES NEED TO MATCH WORKLOAD

The Review Group considered the actions that would be necessary to facilitate the link between the strategic policies detailed above and operational delivery. An extensive action list is included as Appendix 1. This action list effectively provides a five-year work programme for the tree team and gives their future work a clear direction of travel. Some of the actions can be implemented within existing resources. Others will require extra resources and a bid will be submitted in the next budget round. If this action plan is delivered it will achieve a good balance between protecting trees and protecting the quality of life of individuals, both in the short term and long term. It will also make our tree services a leader in the field by adopting cutting-edge working practices and policies.

ACTION PLAN

1. QUALITY OF LIFE

- To review and consider the appropriateness of Tree Preservation Orders in small private gardens.
- When considering quality of life issues, each case will be assessed on its merits. In dealing with requests from residents for work on council-owned land, the priorities for expenditure and availability of finance will be communicated clearly to customers.
- Investigate the feasibility of ratifying work on Council owned trees by suitably qualified and insured contractors, to be paid for by householders or community groups.
- Consider setting up a Councillor led 'Appeals Panel' to enable residents to present their case where tree works have been refused by officers on land managed by this Council, or similarly in matters relating to trees with covenants relating to them.
- Where residents are unhappy about decisions relating to Tree Preservation Orders or Conservation Areas, appeals should be referred to the Planning Committee or ultimately to the Office of the Deputy Prime Minister.

2. TREE PROTECTION

- Recognise that ownership of land is a very effective way of protecting trees.
- Seek to undertake a review of all existing Tree Protection Orders to improve future management.
- Agree guidelines for undertaking this review of Tree Protection Orders
- Seek to review Tree Protection Orders on a basis.
- Ask the Parish and Town Councils to identify veteran and notable trees in their parishes that may be worthy of preservation.
- Enable Tree Preservation Order information to be available on-line.
- Advise on appropriate levels of choice on trees with restrictive covenants on ex-Council properties.
- Review procedures for dealing with Tree Preservation Order issues outside normal office hours.

3. SAFETY & SUBSIDENCE

- Seek to agree a consistent approach to tree risk management across all service areas.

- Purchase an IT system for recording, tracking and managing the tree stock. (Capital budget provision has been made in 2006/07).
- Have regard to the potential for subsidence claims when dealing with all tree issues.
- Note the role played by in-house building control services and independent inspectors in ensuring adequate foundations for houses so that the risk of subsidence is minimised.
- Give consideration to removing Permitted Development Rights for new development in areas where subsidence problems have occurred.
- Ensure that responsibility for trees on leased-out land rests with the lessee.
- The Council should actively support our insurers in defending any subsidence claims.
- The Council should avoid giving advice on the maintenance of private trees unless there are good reasons to do so.
- Consider use of Helliwell valuation techniques where damage occurs to Council trees.

4. LAND MANAGEMENT

- Ensure that Tree Officers are subject to Continuing Professional Development and are well trained, keeping up-to-date with current best practice on professional, procedural and IT matters.
- Ensure high standards of customer care for tree related enquiries.
- Produce guidance for the planting and maintenance of new trees.
- Produce a long term landscape plan for the birch/pine plantations in south Bracknell.
- Produce woodland management plans for other areas of the Borough.
- Achieve a balance between dealing with short term reactive issues and promoting a high quality treescape in the long term.
- Recognise that good design of new tree and landscape planting on new estates can result in additional maintenance costs but that it is worthwhile in achieving other Council objectives.
- Establish a revenue budget for woodland management and tree planting. Seek to ensure some consistency across departments.
- Seek to gain some external funding for tree works.
- Continue to use external contractors for most tree works. Establish a framework agreement to enable competitive tendering.
- Regularly review and update the tree information on Bracknell Forest Borough Council website and promote public education and involvement through tree related activities.

- Seek to negotiate a general exemption to the felling licence requirement of the Forestry Commission.

5. PLANNING

- Request for removal of all Tree Preservation Orders will follow relevant planning laws.
- Seek to ensure that developers comply with best practice with regard to trees on development sites (currently BS5837:2005)
- Promote and increase the use of pre-application advice meetings with developers to encourage the use of their own arboricultural consultants.
- Improve guidance for developers on expectations with regard to trees on development sites.
- Consider the potential for seeking contributions to tree costs through Section 106 agreements.
- Ensure appropriate enforcement action taken having regard to the Council's Enforcement Protocol.

APPENDIX 2

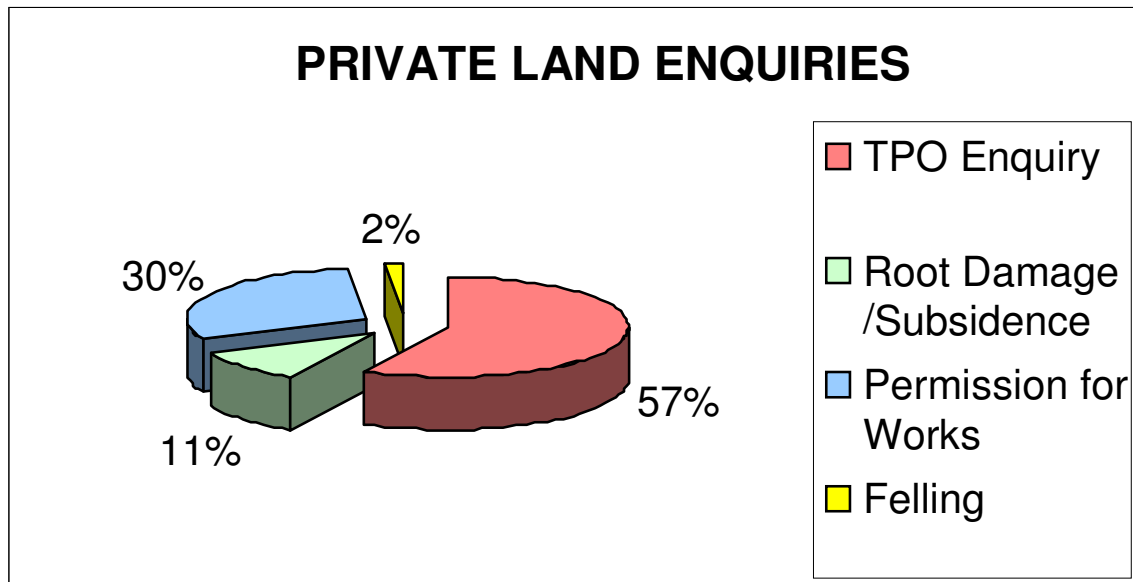
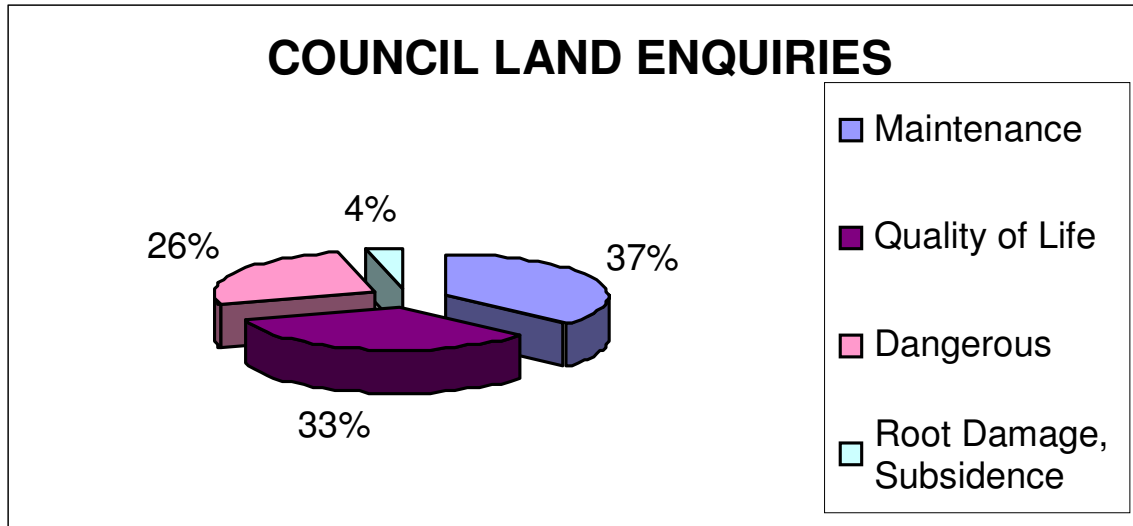
GROUP MEMBERSHIP & PROGRAMME

Members:	Councillor Alan Browne Councillor Mike Adams Councillor Alvin Finch Councillor Anne Haydon Councillor Ian Leake	- Chairperson
Lead Officer:	Helen Tranter	- Head of Culture & Visual Environment
Other Officers contributing:	Helen Brewster Peter Collins Dave Cullis Paul Eggleton Vincent Haines Rebecca Lord Steve Loudoun Steve McKenna Steve Mulcahy Alan Nash Anthony Radford- Foley	- Senior Assistant Solicitor - Arboriculture Officer - Project Officer, Housing Estates - Building Control Manager - Head of Planning & Building Control - Team Manager, Community, Commercial Compliance - Assistant Director, Sustainability - Landscape Manager - Valuer - Acting Borough Treasurer - Highway Asset Manager

PROGRAMME:

Session 1:	Introductory Meeting	21 September 2005
Session 2:	Subsidence & Safety	9 November 2005
Session 3:	Quality of Life	23 November 2005
Session 4:	Protecting Trees, Covenants & Tree Preservation Orders	Wednesday 11 January 2006
Site Visit:	Saturday 21 January 2006, 10.30am-12.30pm	
Session 5:	Planning & Management	Wednesday 22 February 2006
Session 6:	Drawing Conclusions I	Monday 10 April 2006
Session 7:	Drawing Conclusions II	Friday 23 June 2006
Session 8:	Drawing Conclusions III	Thursday 20 July 2006

CUSTOMER SERVICE

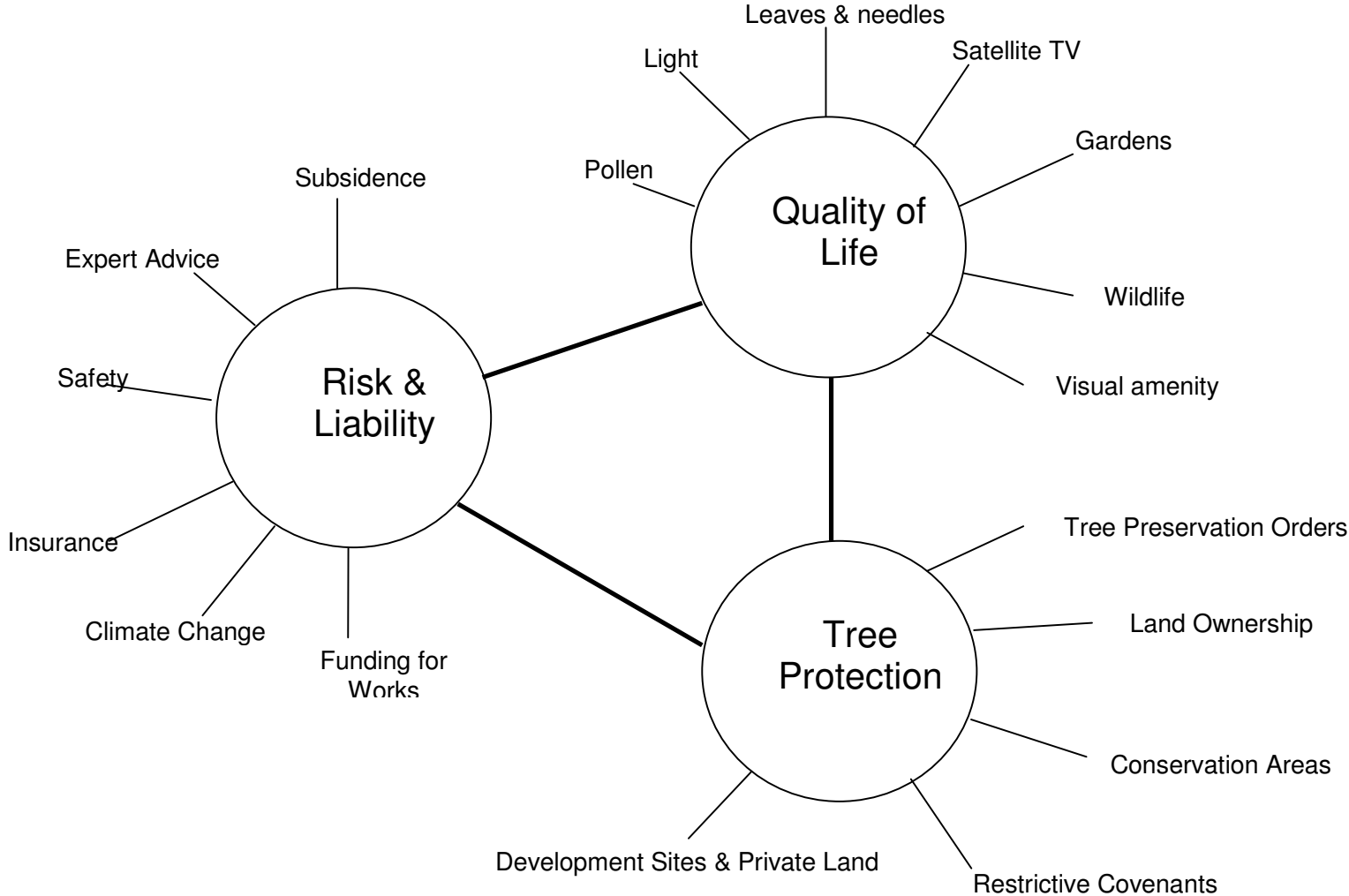


TREE PRESERVATION ORDER ANALYSIS BY TYPE

Parish	Single	Single & Group	Single & Groups	Group	Groups	Woodland	Single & Woodland	Single & Woodlands	Woodland & Group	Single, Group & Woodland	Total
Binfield	46	19	7	13	3	8	0	0	0	3	99
Bracknell	84	17	10	18	5	6	1	1	1	1	144
Crowthorne	47	9	1	18	3	2	0	0	0	0	80
Sandhurst	59	17	3	14	5	6	2	0	0	1	107
Warfield	33	16	4	12	0	4	1	0	1	4	75
Winkfield	52	14	4	24	5	8	0	0	3	3	113
Total	321	92	29	99	21	34	4	1	5	12	618

TREE PRESERVATION ORDER ANALYSIS BY DATE

Parish	Pre 1975	1976- 1985	1986- 1995	1996- 2005	Total
Binfield	5	27	38	29	99
Bracknell	15	24	58	47	144
Crowthorne	14	12	30	24	80
Sandhurst	10	21	49	27	107
Warfield	6	7	35	27	75
Winkfield	14	17	46	36	113
TOTALS	64	108	256	190	618



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