

	AGENDA ITEM NO.
<b>Report Cover Sheet</b>	
<b>Name of Meeting:</b>	Planning Committee
<b>Date of Meeting:</b>	9 January 2008
<b>Report Title:</b>	Review of procedures for handling Confirmation of Tree Preservation Orders at Planning Committee
<b>Summary of report:</b>	To consider possible changes to the way the Confirmation of Tree Preservation Orders is currently handled.
<b>For further information please contact (report author);</b>	John Edwards tel 456541 <a href="mailto:John.edwards@warwickdc.gov.uk">John.edwards@warwickdc.gov.uk</a>
<b>Business Unit:</b>	Planning and Engineering
<b>Would the recommended decision be contrary to the policy framework:</b>	No
<b>Would the recommended decision be contrary to the budgetary framework:</b>	No
<b>Wards of the District directly affected by this decision:</b>	All
<b>Key Decision?</b>	Yes
<b>Included within the Forward Plan?</b>	No
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006</b>	No
<b>Date and name of meeting when issue was last considered and relevant minute number:</b>	Tuesday 20 June 2007, Minute number 184 Planning Committee Urgent Item – December 12 <sup>th</sup> 2007
<b>Background Papers:</b>	Planning Committee report and minutes of 20 June 2007, 6 December 2004. and 12 December 2007

<b>Consultation Undertaken</b>		
Below is a table of the Council's regular consultees. However not all have to be consulted on every matter and if there was no obligation to consult with a specific consultee they will be marked as n/a.		
<b>Consultees</b>	<b>Yes/ No</b>	<b>Who</b>
Other Committees	n/a	
Ward Councillors	n/a	
Portfolio Holders	Yes	Councillor Hammon
Other Councillors	Yes	Councillor MacKay
Warwick District Council recognised Trades Unions	n/a	
Other Warwick District Council Service Areas	n/a	
Project partners	n/a	
Parish/Town Council	n/a	
Highway Authority	n/a	
Residents	n/a	
Citizens Panel	n/a	
Other consultees	Yes	Chris Hastie – Leisure and Amenities
<b>Officer Approval</b>		
With regard to officer approval all reports must be approved by the report authors relevant director, Finance Services and Legal Services.		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Relevant Director(s)	27/12/2007	Craig Anderson
Chief Executive		
CMT		
Section 151 Officer		
Legal	10/12/07	Simon Best
Finance	10/12/07	Marcus Miskinis
<b>Final Decision?</b>	Possibly	
<b>Suggested next steps (if not final decision please set out below)</b>		

## 1. **RECOMMENDATION**

- 1.1 The Committee recommends to Council that the public speaking procedure be amended to allow for interested parties to address the Committee on items relating to the confirmation of Tree Preservation Orders (TPOs), in accordance with the procedure set out in Appendix 1.
- 1.2 The Committee approve for a twelve month trial period the handling of items relating to confirmation of Tree Preservation Orders at a quarterly meeting specifically for that purpose with the decision as to whether or not to confirm the Provisional Tree Preservation Order being delegated to a panel of four councillors who are members of this Committee

## 2. **REASONS FOR THE RECOMMENDATION**

- 2.1 At the meeting of 12 December 2007, objectors to the confirmation of two tree preservation orders requested to speak at the meeting to address the Committee with their objections. Both objectors were allowed to speak at the Chairman's discretion, since the existing provisions within the Council's Constitution did not expressly preclude speaking rights on matters other than planning applications.
- 2.2 The current ongoing process of review of tree preservation orders has resulted in a succession of reports for confirmation of Orders being included on Planning Committee agendas. This process is likely to continue.
- 2.3 Your officers have undertaken some research with a number of local authorities and the practice as to whether public speaking is allowed on tree preservation matters is fairly evenly split. It is common practice for a decision on the confirmation of an order to be made by councillors, with some authorities having a sub-group of councillors specifically charged with this duty rather than involving the whole committee.
- 2.4. It is considered that the idea of an additional specific meeting with a small panel of members does have some merit and would promote a more focused scrutiny on confirmation of orders rather than these items continuing as the last set of matters at the end of what are often long Planning Committee agendas. Given that there is a six month period for confirmation of provisional orders, such meetings could be held on a quarterly basis. The idea of a small panel of members would encourage a less formal approach and be less intimidating for speakers. In the event that the panel of members were unable to reach a decision on whether the TPO should be confirmed, the matter would be referred to the full planning committee for decision.
- 2.5 A specific briefing session for the panel of councillors would be undertaken by the specialist tree officers within the Council prior to the first quarterly meeting and additional written guidance provided and a specialist tree officer would attend the quarterly meetings .
- 2.6 One option would be to specifically allocate a Planning Committee reserve night within the existing calendar for use as a specific TPO review meeting, but this is thought not to be feasible since the length of agendas/meetings is difficult to predict and the procedure whereby speakers on planning applications can extend across into a second night cannot be ruled out.

3. **ALTERNATIVE OPTIONS CONSIDERED**

- 3.1 The alternative would be for the procedures for handling confirmation of tree Preservation orders to remain unchanged, with no public speaking rights and these items continuing to be dealt with by the full planning Committee.

4. **POLICY & BUDGETARY FRAMEWORK**

- 4.1 The proposal should have no impact on the budgetary or policy frameworks of the Council.

**Public speaking Rights in relation to confirmation of Tree preservation Orders  
where objections have been received**

**Who can speak**

People wishing to speak will fall into four categories, these are:-

- Parish/Town Councils
- Warwick District Towns Conservation Advisory Forum Representative
- Objectors
- Supporters
- Ward Councillors

There will be a three minute time period for each category of speaker. If there is more than one person registered in any category, the three minutes will be split between those persons having registered to speak. However, they will be encouraged to liaise with each other and nominate one speaker.

**Registering to speak**

People wishing to speak must contact Members' Services in writing, by telephone or e-mail by no later than 12 noon the **working** day (i.e. Mondays to Fridays) before the meeting (if a letter is delivered by hand to reception please allow 1 working day for it to reach Members' Services). Persons wishing to speak must provide the following information:-

Name

Home address and contact phone number.

Which category they fall within

The reference and address for the Tree preservation Order they want to speak on.

Members' Services will inform them that their contact details will be made public before the meeting

A list of those who had registered an interest to speak will be available for Members at the meeting

N.B. The use of presentation material including handouts in any form is not permitted when addressing the committee and the speaking procedure should be used to amplify or clarify points made in the written objection to the order.

**Summary of procedure for each meeting**

1. The Planning Officer will introduce the items, giving any updates since the preparation of the report.
2. The names of those persons having registered to speak will then be announced by the Chair, in the order of: Parish/Town Council, Warwick District Towns Conservation Advisory Forum Representative, Objectors, Supporters and Ward Councillors.
3. After all the speakers have finished, the Chair will open the item up to the Committee for consideration. There will be not be a specific formal questions slot.
4. Finally, the Committee will be asked to take a decision as to whether or not the Tree preservation order should be confirmed.