

## OVERVIEW AND SCRUTINY COMMITTEE

Meeting - 28 January 2020

Present: M Bradford (Chairman)  
M Bezzant and D Saunders

Apologies for absence: P Bastiman, D Dhillon, T Egleton, P Kelly and M Lewis

### 25. MINUTES

The minutes of the Overview and Scrutiny Committee held on 1<sup>st</sup> October 2019 were approved and signed by the Chairman of the Committee as a correct record.

### 26. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 27. SBDC PERFORMANCE REPORT QUARTER 2 2019/2020

The report outlined the annual performance of Council services against pre-agreed Performance Indicators (PIs) and service objectives for Quarter 2 2019-20. With regards to the overview table in section 2 of the report, it was noted that the number of PIs off target was 2 rather than 3 and the number of data only PIs was 13 rather than 12.

Members noted from the report that of the total 36 Performance Indicators (PIs), which had been reported this quarter, 31 were on target, 3 were slightly off target and 2 off target. One of the off target PIs related to the percentage of food premises improving their food hygiene rating from 0-2 to 3 or above which was under the target of 25% at 12.5%. Members were advised that as a re-inspection is not mandatory, the cost, lack of time and the fact that some premises attract customers despite their rating means that they will often not reapply for inspection. Officers were expecting this target to be met by quarter 4. The other off target PI related to the percentage of responses to FOI requests sent within 20 working days. This was below target due to business as usual being under strain. The Director of Resources advised that following the employment of temporary staff, the time taken to respond to FOI requests had now improved.

With regards to network performance, the Director of Resources advised that, due to work being carried out on the network, this had now significantly improved. Furthermore, the move to Windows 10 had also significantly improved performance.

**RESOLVED** that the report be noted.

28. **TREE PRESERVATION ORDERS (TPO) STATISTICS AND ENFORCEMENT**

Following concerns raised by Members as to why there had been no enforcement prosecutions on unauthorised tree works for 5 years, the Committee received a report which set out how alleged unauthorised tree work is investigated, the volume of cases investigated and how the expediency of appropriate enforcement action is duly considered. The report also set out the current number of TPO's in the district as well as the determining factor when deciding whether or not to take formal enforcement action.

Over the last 5 years, the Council have received and investigated 180 allegations of unauthorised works to trees. The Enforcement Team have analysed the data and identified that 55 of those 180 cases related to allegations of unlawful works to TPO trees or trees in a conservation area. A review of the 55 cases were undertaken and a summary of this was set out in appendix 1 of the report. Having reviewed the reasons for closure in the 55 relevant cases it was apparent that the majority of cases investigated turned out to be where there had been no breach of planning control. Members were advised that 19 cases out the 55 were closed due to the matter not being expedient to pursue. The reasons for these were shown in column 8 of the table in appendix 1.

Out of the 55 cases TPO or Conservation Area allegations logged and investigated over the past 5 years, 14 were founded allegations where officers established that unauthorised tree works had taken place. Of those 14 cases, legal advice was sought on 4 cases but none were pursued to formal action. A breakdown and analysis of the 4 cases was set out in table 2 of the report. Whilst there have been no legal actions pursued in relation to unlawful felling of trees in the last 5 years, Members were advised that formal legal action does not necessarily go hand in hand with the unlawful felling of a protected tree. Ultimately the investigation and amenity value of the tree is duly considered to determine the appropriate action.

Members were advised that any allegations of tree works will continue to be given the highest priority and investigated within 24 hours of receipt. This investigation will continue to be jointly undertaken by the planning enforcement and tree officers, with the tree officers providing expert arboricultural advice. Furthermore, where unacceptable works to a tree(s) have taken place, and it is expedient to pursue action, and it is in the public interest to do so, then the Council will pursue offenders in the strongest possible terms and will seek to recover any financial costs incurred in doing so.

In response to a question, the Enforcement Manager confirmed that the Enforcement Team do not have a system for tracking the replacement of trees that have been removed unlawfully but that this is something they could look into introducing.

**RESOLVED** that the report be noted.

29. **BUCKS HEALTH AND ADULT SOCIAL CARE SELECT COMMITTEE**

Members received the Minutes of the meeting(s) of the Buckinghamshire County Council Health and Adult Social Care Select Committee held on 19 September 2019.

It was **RESOLVED** that the Minutes of the Buckinghamshire County Council Health and Adult Social Care Select Committee be noted.

30. **BUCKS CHILDREN'S SELECT COMMITTEE**

Members received the Minutes of the meeting(s) of the Buckinghamshire County Council Children's Select Committee held on 6 September 2019.

It was **RESOLVED** that the Minutes of the Buckinghamshire County Council Children's Select Committee be noted.

31. **MEMBERS QUESTIONS AND ANSWERS**

There were no questions from Members.

The meeting terminated at 6.11 pm