

# Surrey Heath Borough Council

## Executive

19<sup>th</sup> March 2024

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### Task and Finish Group Terms of Reference for the Petition review of Wellington Park Tree Preservation Order (TPO)

<b>Portfolio Holder:</b>	Cllr Alan Ashbery – Sustainable Transport & Planning
<b>Head of Service</b>	Gavin Chinniah
<b>Report Author:</b>	Gavin Chinniah
<b>Key Decision:</b>	No
<b>Date Portfolio Holder consulted:</b>	11.03.2024
<b>Wards Affected:</b>	All

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#### Summary and purpose

This report sets out the Terms of Reference for the proposed review regarding the Wellington Park Tree Preservation Order following the debate and acceptance of the petition at Full Council on the 21 February 2024. This report will set out the following key areas:

- Membership and Meetings
- Terms of Reference
- This task and finish is a pilot proposal and shall be used when other requests are made to review other existing TPO's in the Borough.
- To review the guidance relied on by the Council's professional officers and processes for the guidance that constitutes advice in relation to and including special character areas.

#### Recommendation

The Executive is advised to RESOLVE that:

- (i) the terms of reference set out in section 3 of this document to enable the review of the existing the Wellington Park Tree Preservation Order to take place and be used to help inform the approach to reviewing other areas order in the Surrey Heath Borough in the future be agreed;

- (ii) the guidance relied on by the Council's professional officers and processes that constitutes advice in relation to and including special character areas be reviewed; and
- (iii) the Task & Finish Group reports back to Executive once its findings are completed.

## **1. Background and Supporting Information**

- 1.1 The Task and Finish Group has been formed to consider the requests within the petition "Review of Wellington Park Tree Preservation Order" published on 20th September 2023 and debated by Full Council on 21 February 2024.
- 1.2 The Task and Finish Group shall report to Executive on its findings within 3 months of the date the petition was debated at Full Council (subject to any pre-election period that may arise from a general election).

## **2. Membership and Meetings**

- 2.1 It is proposed that the Task and Finish Group comprise of 5 Members, including the Sustainable Transport & Planning Portfolio Holder who will chair the Group. This Group will include the author of the original Petition, Cllr Jonny Cope, and will be politically proportionate. Independent input into the group will be explored for example with the Surrey Wildlife Trust or the Woodland Trust. It is intended that the Group meet a maximum of three times to consider the evidence and come to their conclusions and recommendations. The Group shall make decisions by majority.

## **3. Terms of Reference**

- 3.1 Make recommendations to Executive on the outcome of the petition.
- 3.2 Have due regard to any evidence, documents, information and officer advice and opinion the Group considers relevant and expedient to its review and consideration of the requests within the petition.
- 3.3 Determine the timescales required to implement any recommendations the Group is minded to make.
- 3.4 Examine the potential benefits and disbenefits of any recommendations the Group is minded to make.
- 3.5 Determine any revenue and capital costs required to implement any recommendations the Group is minded to make to Full Council. Such costs to include officer time, specialist suppliers and advisors and materials and disbursements.
- 3.6 Determine the wider policy implications of the proposed course of action, including for other relevant sites in the borough.
- 3.7 Explore and examine any potential alternatives to the requests within the petition.

- 3.8 For all recommendations have due regard to suitable levels of contingency and reasonable times for planning and preparation.
- 3.9 This is a pilot task and finish group which will recommend a mechanism to review other relevant Tree Preservation Orders in the Borough when and where this arises.
- 3.10 Further to this the Task and Finish Group will assist in reviewing and if necessary, amending the guidance which professional officers rely upon when assessing tree work applications in the Borough. This would be undertaken in partnership with the task and finish group and the planning service. Should amended guidance be agreed this will be reported back to Executive.

#### **4. Proposal and Alternative Options**

4.1 The available options for the Executive to consider are:

- i. To approve the Terms of Reference as drafted.
- ii. To make amendments to the Terms of Reference.
- iii. To not agree the Terms of Reference.

#### **5. Contribution to the Council Strategy 2024 - 2028**

5.1 The proposed Terms of Reference if agreed will allow the following themes to be delivered.:

**Protect our Environment** – protect and enhance our natural environment and increase local biodiversity.

**Promote healthier & more inclusive communities** – promote health and well-being.

#### **6. Resource Implications**

6.1 There will be resourcing implications which will need to be agreed by the task and finish group.

#### **7. Section 151 Officer Comments**

7.1 The Council is facing a budget deficit and is using reserves to close the predicted budget gap. It is likely that the financial impacts of dealing with this single TPO is possibly a budget pressure of up to £40,000 with future reviews costing into six figures.

7.2 The Council will have to find ways of dealing with this budget pressure through increased efficiencies, service cuts or increasing income.

7.3 Once costs have been identified, then the Task and Finish Group will need to make a supplementary budget request to the Executive, if in year. If it

commences from 2025/26 then a budget bid can be made in the next budgeting round.

## **8. Legal and Governance Issues**

8.1 The recommendations are in accordance with the resolution made by Full Council 21 February 2024.

## **9. Monitoring Officer Comments**

9.1 No comments.

## **10. Other Considerations and Impacts**

10.1 None.

## **Environment and Climate Change**

10.2 This is not applicable.

## **Equalities and Human Rights**

10.3 This is not applicable.

## **Risk Management**

10.4 There are potential costs implications of this review and will be worked through by the task and finish group.

## **Community Engagement**

10.5 The Terms of Reference does not include engagement with the general public but a further update will be provided to Executive regarding the outcome of the Task and Finish Group.

## **Annexes**

Annex 1: Wellington Park Briefing Note

## **Background Papers**

None.