

WORKING ARRANGEMENTS GROUP

7 OCTOBER 2025

Present: Councillors Hilton (Chair), Rogers (Vice-Chair), Barnett, Collins and Patmore. Mary Kilner (Chief Legal Officer), [REDACTED]
[REDACTED]

17. APOLOGIES FOR ABSENCE

Councillor Rogers gave apologies for having to leave the meeting early.

18. DECLARATIONS OF INTEREST

None.

19. MINUTES OF THE LAST MEETING

Agreed.

20. TREE PRESERVATION ORDERS AND PUBLIC ENGAGEMENT

Councillor Hilton said she asked for this item to be on the agenda to review the current delegations for tree applications, which are made by officers. Given recent controversial cases, Councillor Hilton wanted to explore whether such applications with significant objections could be referred to the Planning Committee to improve transparency and public scrutiny, especially since trees are a high-profile issue locally.

[REDACTED] gave an overview of the application process and context around current procedures. Councillors were asked to consider the following points:

- National policy requires that any decisions that are made are informed by appropriate expertise
- Retaining delegated authority aligns with good governance, professional accountability, and cost-effective service delivery
- Tree applications require technical knowledge (e.g. species, health, safety, amenity value) that Planning Committee members do not have.
- Planning Committee members are not part of a recognised body for arboricultural advice.
- High volume of TPOs in Hastings: 285 TPOs covering 1,600 individual trees. Around 13 tree applications would need to go to each committee meeting. Adding tree applications would cause delays and backlogs.
- Non-expert decisions could lead to appeals, legal challenges, and reputational damage.
- All neighbouring authorities delegate tree applications.

Councillor Rogers recalled that tree applications used to come to Planning Committee when she first joined the council in 2012. Not all cases were referred, only those involving trees proposed to be felled. Routine works, such as pollarding,

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were typically handled under delegated powers. This previous approach allowed the committee to scrutinise more significant tree decisions. Councillors Rogers said there should be a compromise position where some, but not all, tree applications come to Planning Committee.

Councillor Barnett said the issue is not only about protecting trees, but also about public perception and transparency. He suggested that publishing the professional advice used in tree decisions, regardless of who makes the final call, would help demonstrate the council's seriousness and allow the public to engage more meaningfully. He noted that the public often feels trees aren't adequately protected, partly due to a lack of visibility in the decision-making process.

Councillor Barnett supported all tree applications coming to Planning Committee, even if it increases workload, arguing that the Planning Committee should assert itself on matters of public concern. He pointed out that recent committee meetings have been short, suggesting there is capacity to handle more items.

[REDACTED] replied that all tree applications are publicly available for viewing and open to comment, including the tree officer's advice. Tree applications stopped going to Planning Committee due to the volume of cases, which would overwhelm the committee if reinstated. While recent meetings have been short, workloads vary and are unpredictable. Referring all tree applications to committee would divert resources, delay other services, and impact overall service delivery.

Councillor Collins said he would like to see a process whereby the Planning Committee could call in a proposal to fell a tree and also ask questions of the arboriculturist.

Councillor Patmore acknowledged that a middle ground is possible where routine works like pollarding would not need to come to committee, but more significant cases, such as tree felling, could. He agreed with Councillor Barnett that there's currently a lack of transparency and improving how decisions are shared with the public would be beneficial.

[REDACTED] informed the Group that referring tree applications to committee could lead to appeals and significant cost risks if decisions are made without proper technical justification. A recent case where the committee overturned officer advice resulted in a £48,000 cost award. Repeating this pattern with tree decisions could have a serious financial impact on the council.

Councillor Collins replied that this is a risk the Planning Committee takes with every decision. [REDACTED] replied that, under planning law, committees are allowed to make decisions that go against officer recommendations, as long as they provide clear justification. This reflects the democratic nature of

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planning decisions. However, this flexibility does not apply to tree applications, which require more technical consistency and are not subject to the same discretion.

[REDACTED] proposed an alternative to referring tree applications to public Planning Committee meetings. Instead suggesting forming a regular councillor group where tree applications, particularly those involving felling, could be reviewed and discussed directly with the tree officer. This would allow for rigorous scrutiny and dialogue without breaching national policy or exposing the council to financial risk.

Councillor Barnett said there needs to be clear definitions between pollarding and felling, especially if decisions are to be split based on the type of tree work.

Councillor Rogers proposed that applications to fell a tree in a conservation area should come to Planning Committee, with the arboriculturist attending to give his expert advice.

Councillor Hilton agreed with the proposal and suggested it would be a good starting point, as there may be further work around tree protection and a tree strategy.

██████████ said she would work on suggested wording for a constitutional amendment that would incorporate the consensus view.

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1. **What is the primary purpose of the proposed legislation?**

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A black and white image showing a series of four horizontal bars. The top bar is the longest and has a small white rectangular cutout on its right side. The second bar is shorter and has a small white rectangular cutout on its right side. The third bar is the longest and has a small white rectangular cutout on its right side. The bottom bar is the shortest and has a small white rectangular cutout on its right side. The bars are set against a white background.

22. ANY OTHER BUSINESS

(The Chair declared the meeting closed at 6.56pm)