

NOTICE OF MEETING

Meeting: ENVIRONMENT OVERVIEW AND SCRUTINY PANEL

Date and Time: THURSDAY, 9 NOVEMBER 2017, AT 2.00 PM*

Place: COMMITTEE ROOM 1, APPLETREE COURT,
LYNDHURST

Telephone enquiries to: Lyndhurst (023) 8028 5000
023 8028 5588 - ask for Jan Debnam
E-mail: jan.debnam@nfdc.gov.uk

PUBLIC PARTICIPATION:

*Members of the public may speak in accordance with the Council's public participation scheme:

- (a) immediately before the meeting starts, on items within the Panel's terms of reference which are not on the public agenda; and/or
 - (b) on individual items on the public agenda, when the Chairman calls that item.
- Speeches may not exceed three minutes. Anyone wishing to speak should contact the name and number shown above.

Bob Jackson
Chief Executive

Appletree Court, Lyndhurst, Hampshire. SO43 7PA
www.newforest.gov.uk

This Agenda is also available on audio tape, in Braille, large print and digital format

AGENDA

Apologies

1. MINUTES

To confirm the minutes of the meeting held 14 September 2017 and of the Special Joint Meeting with the Planning Development Control Committee held on 6 September 2017 as correct records.

2. DECLARATIONS OF INTEREST

To note any declarations of interest made by members in connection with an agenda item. The nature of the interest must also be specified.

Members are asked to discuss any possible interests with Democratic Services prior to the meeting.

3. PUBLIC PARTICIPATION

To note any issues raised during the public participation period.

4. PORTFOLIO HOLDERS' REPORTS

To receive an oral update from the Portfolio Holders for the Environment and for Planning and Transportation.

5. ENFORCEMENT ACTIVITY (STREET SCENE)

To receive a presentation to update the Panel on changes in enforcement practices and their outcome.

6. PUBLIC CONVENIENCES

To receive an update from the Public Conveniences Task and Finish Group.

7. CORPORATE TREE STRATEGY AND TREE RISK MANAGEMENT STRATEGY (Pages 1 - 6)

To update the Panel on the implementation of the strategies and policies for the management of the Council's tree stock.

8. LOCAL PLAN UPDATE (Pages 7 - 8)

To be advised of the current position with respect to the review of the Local Plan.

9. PLANNING FEES AND CHARGES (Pages 9 - 14)

To be advised of the findings of the Task and Finish group that was appointed to look at this issue.

10. ENVIRONMENT AND REGULATION SERVICE

To receive an oral update on changes to the structure and service delivery in the Environment and Regulation Service.

11. WORK PROGRAMME (Pages 15 - 16)

To agree the work programme to guide the Panel's activities over the coming months.

12. ANY OTHER ITEMS THAT THE CHAIRMAN DECIDES ARE URGENT

To:

Councillors:

W S Rippon-Swaine
(Chairman)
Ms L C Ford (Vice-
Chairman)
P J Armstrong
G R Blunden
Mrs F Carpenter

Councillors:

A T Glass
Mrs R Matcham
J M Olliff-Cooper
D M S Poole
Mrs B J Thorne

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ENVIRONMENT OVERVIEW AND SCRUTINY PANEL – 9 NOVEMBER 2017.

IMPLEMENTATION OF THE CORPORATE TREE STRATEGY AND TREE RISK MANAGEMENT STRATEGY (2014)

1. PURPOSE OF REPORT

- 1.1. This report updates the Panel on the development and implementation of the above Strategy and Policy which was agreed and brought into use with effect from 2014.

2. BACKGROUND

- 2.1. The Council has a legal, moral and environmental duty to manage the trees on its freehold land, maintaining these in a safe and healthy condition. This includes trees within open spaces, housing sites (including tenant's gardens), woodland, cemeteries and around car parks. The Council has over 18,587 tree records, ranging from individual trees through to small groups of trees.
- 2.2. The Council has 7 SLA agreements with Town and Parish council's to provide tree inspection and provide access to contracted arboriculture services as part of the SLA's in place with these bodies.
- 2.3. Prior to the implementation of the Tree Strategy and Risk Management, decisions relating to trees had been made on a case-by-case basis, with the Council Officers having limited mandate and guidance beyond recommendations from national and professional bodies alongside their own experience. Due to the conflicting advice, the unique circumstances presented by each case and emotive issues that can arise from trees, members of the public would challenge the decisions, resulting in extensive Officer resources being stretched as they manage public expectations.
- 2.4. The Tree Strategy and Risk Management were drafted by June 2014 drawing upon our legal responsibilities, case law, British Standards (including BS3936, BS3998), professional guidance from industry bodies, and to deliver sections within the Council's Core Strategy. These documents were approved through the appropriate Panels and Cabinet in August 2014.

3. KEY OUTCOMES OF POLICY AND STRATEGY IMPLIMENTATION

3.1. Tree Inspections

- 3.1.1. As a result of the implementation of the Tree Strategy and Risk Management, the tree inspection regime was specified and sites were zoned on risk (as required under Risk Management Strategy - Action Plan). This established re-inspection intervals based on the Tree Officer's observations and recommendations (such as any arboriculture tree work required). As a result the tree inspection programme was re-evaluated and improved safety, staff and resource efficiencies were gained through development of geographic zonal inspections. This assists Town and Parish Councils manage workloads and public enquiries presenting to them with relation to trees within their responsibilities.

- 3.1.2. As set out within Risk Management Strategy – Action Plan, tree inspections are being completed within the specified targets, despite long term staff sickness of one Officer, with remedial works raised and the Council’s staff briefed.
- 3.1.3. Timescales to undertake the tree works recommended from inspections are outlined within the Risk Management Strategy, assisting in managing the expectations of stakeholders, assisting Tree Officers to direct the Contractor and the Council to prioritise works.
- 3.1.4. The adoption of the Tree Strategy and Risk Management resulted in the identification and subsequent prioritisation of the development of tree inspection and management software (Action Point 1). The existing software provision was unsupported by the original manufacturer and unable to deliver the information and management tools required for the important legal responsibilities.
- 3.1.5. During 2016 procurement and implementation of a new software system took place and the migration of the existing software and electronic records to the new cloud based Ezytreev software system, This advanced tree management software is used by over 100 other authorities, being hosted on a secure cloud, allowing the Council Tree Officers to update the records remotely from the field. Customer enquiries are recorded to the system, allowing comprehensive recording of issues and history relating to each tree. Electronic tablets have been procured for Tree Officers, enabling paper-less inspection of trees, recording of photographs, mapping of tree locations, recording of tree health, maintenance requirements and monitoring budget spend.
- 3.1.6. Further development occurred during early 2017 Following a competitive EU tender for tree provision services to the Council and SLA partners, the contract was awarded to Gristwood and Toms. Within the Contract improved performance indicators were included for discussion at Quarterly Review meetings. The Contract specified that the Contractor will use the Ezytreev software to update work progress. The Contractor now receives work orders, updates on work progress and indicates work completed via the software – simplifying and reducing administrative burden, enabling Tree Officers to respond to public enquiries quicker and more accurately

3.2. Responding to Public Enquiries

- 3.2.1. The adoption of the Tree Strategy and Risk Management assisted in giving formal guidance to Tree Officers, Managers, Members and the public on the Council’s management of its tree stock. The Strategy set out classification of public enquiries, based on enquiry type and stipulates response times which are being met.
- 3.2.2. The Tree Strategy and Risk Management helps manage public expectations on the Council’s actions and avoid unrealistic requests absorbing Tree Officer resource. For example; enquiries relating to trees blocking light, TV reception or creation of leaf litter can be given an initial response with reference to the Council’s Strategy. The Strategy outlines key distances, such as the clear swept envelope that will be maintained clear of foliage around buildings, access roads or paths. The provision of the Strategy greatly assists Tree Officers to prioritise those enquiries and issues relating to tree safety and completing the necessary tree inspection frequency – ensuring that expectations by all stakeholders are managed.

3.2.3. Since the Tree Strategy and Risk Management has been implemented there has been no substantial challenge to the council – reducing administrative and Member time, ensuring a fair policy is being applied evenly and accurately throughout the District.

3.2.4. The implementation and reference to the Tree Strategy and Risk Management did highlight that these documents were not readily accessible on the Council's website (see 4.1.1).

3.3. Council Tenant Enquiries

3.3.1. The provision of the Tree Strategy assists and supports the requirements set out within the Council's tenancy agreements. Tree Officers are able to direct council tenants to refer to this document to allay fears about tree safety, prevent damage (malicious or accidental), ensure that maintenance work are identified, then undertaken safely and promptly.

3.3.2. The Strategy has resulted in trees within Tenant's gardens and communal areas being better managed, monitored and protected, with records relating to each tree being held securely should these be required for further investigation (perhaps relating to a subsequent safety, legal or financial issue).

3.4. Provision to Town and Parish Councils

3.4.1. The adoption of the Tree Strategy and Risk Assessment has been warmly received by many Towns and Parishes. While this is not mandatory, many have adopted these as reference and guidance documents. This has resulted in a standard approach, ensuring consistency throughout the District at both levels of local authority. This demonstrates the support and regard in which these documents are held with our local partners.

3.5. Managing Healthy Tree Stock

3.5.1. The Tree Strategy and Risk Management strengthens the Council's provision and establishes good husbandry to identify and, where practicable, hinder the spread of damaging pests and diseases within our tree stock through managing the approach of staff and Contractors, maintaining our Open Spaces for future generations. This document identified the main tree species within the Council's care, assisting with managing future risks and threats and direct future plantings (see 3.6.1.3).

3.6. Tree Strategy Action Points – Update on Progress

3.6.1. The Tree Strategy set out 12 action points, below is a short update on progress to date:

3.6.1.1. Point 1 – Review of Tree Management Software

Review undertaken, software replaced as outlined in 3.1.4

3.6.1.2. Point 2 – Increase tree canopy cover on 10 sites within 5 years – the policy of replacing two for one trees is assisting with improved canopy further improvements are planned once management plans are adopted for the woodlands.

3.6.1.3. Point 3 – Details on canopy cover within District, meeting national benchmarking – This is assisted through the new software and is work in progress

- 3.6.1.4. Point 4 – Provision of high quality trees to boost resilience to pest and disease threats – Tree Officers have been sourcing and planting a variety of species during replanting operations to help reduce the threats against individual species. We source all our new tree plantings from reputable suppliers with disease free and resistant strains (where available) preferred. In all cases new plantings are drawn from certified healthy root stocks, are monitored and watered following planting to maximise establishment rates.
- 3.6.1.5. Point 5 – Review the Council's land in relation to subsidence risk – overall risk is low however individual trees always have the potential to cause subsidence
- 3.6.1.6. Point 6 – Undertake woodland management plans for principal sites – management plans to be completed 17/18
- 3.6.1.7. Point 7 – Explore opportunities for external tree planting funding resources have not been available to commit to external funding requirements
- 3.6.1.8. Point 8 – Encourage community involvement in tree and woodland management this process has started with housing sites being actively involved in tree planting schemes
- 3.6.1.9. Point 9 – Address fly tipping – fly-tipping identification, reporting and removal has been strengthened following increased surveillance from Tree Officers, Open Spaces Inspector, Civil Enforcement Officer and assistance from Streetscene in the prompt removal and identification of evidence to highlight and prosecute offenders.
- 3.6.1.10. Point 10 – Valuation of the Council's tree stock- valuation of tree stock is currently on hold while evaluating the many different ways of valuing tree stock
- 3.6.1.11. Point 11 – Establish procedure for trees when sites are acquired or sold – information on properties obtained through buyback is sometimes sporadic, in cases where the Tree Officer is informed they undertake the necessary inspection of trees within the property, adding these to the software, raising any works required and ensuring ongoing inspections.
- 3.6.1.12. Point 12 – Maintain register of veteran trees – this is undertaken as part of the new tree management software

4. CONCLUSIONS

4.1. Outcomes as a result of the Tree Strategy and Risk Assessment Adoption

- 4.1.1. The implementation of the Tree Strategy and Risk Assessment has been undertaken smoothly, resulting in more efficient and focused inspections, safer tree stock, prompt remedial works, improved monitoring of Contractor, better responses to public enquiries and enhanced open spaces for residents and visitors.
- 4.1.2. The Council's web-pages relating to Open Spaces are in the process of being re-written in a more accessible and engaging tone of voice. The Tree Strategy and Risk Management documents have been uploaded in a prominent location, however navigation within the website to the Open Spaces pages is outside of the remit of this Service.
- 4.1.3. The Council is meeting the requirement to re-plant TWO trees for each tree that is felled for any reason (from disease through to malicious damage). However the identification of available areas of open space is not without challenges, especially within housing sites to replace trees removed within

housing where planting of new trees can invoke impassioned comments from tenants and private residents (both in support and against).

5. FINANCIAL IMPLICATIONS

- 5.1. The adoption of the Tree Strategy and Risk Management has strengthened and formalised the inspection and maintenance of trees under which the Council has responsibility. This has resulted in a stronger defensive position for the Council when presented with insurance claims.
- 5.2. The Council has paid out for one insurance claim since the adoption of the Tree Strategy and Risk Management.

6. CRIME AND DISORDER IMPLICATIONS

- 6.1 None

7. ENVIRONMENTAL IMPLICATIONS

- 7.1. The adoption of the Tree Strategy and Risk Management has set in motion improved environmental provision for the residents of the Council. Through the adoption of these documents, the Council now works to reduce the number of trees felled. In the unfortunate case where trees are diseased, damaged (by weather, 3rd party accident or malicious intent) or become unsafe (such as traffic incidents) the Council replants TWO trees for each tree that is felled.
- 7.2. The policy has therefore resulted in more healthy and native species of trees growing within the District.

8. EQUALITY AND DIVERSITY IMPLICATIONS

- 8.1 None

9. RECOMMENDATIONS

- 9.1 That it be concluded that the Council's Corporate Tree Strategy and Tree Risk Management Strategy (2014) are fit for purpose, undertaking all requirements, and should therefore retained.

For further information contact:

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Open Spaces Manager
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Background Papers:

None

Report Prepared by Simon Hanney, Open Spaces Officer,
and Bernice McGrail, Tree Officer. May 2017

ENVIRONMENT OVERVIEW AND SCRUTINY PANEL – 9 NOVEMBER 2017

LOCAL PLAN UP-DATE

UPDATE

Following the special joint meeting of the Planning Development Control Committee and Environment Overview and Scrutiny Panel on 6th September, officers have continued to work on completing the evidence base and producing the text of the Local Plan document. Regarding the evidence base, key outstanding matters are:

- Strategic Flood Risk Assessment work – further work on evidence base needed (consultant's draft report due 8th February)
- Air Quality Issues – impact of nitrogen dioxide from traffic growth on European sites
- Water Quality Issues – levels of phosphates in River Avon SPA(catchment area issue)

Workshop sessions took place on 23rd, 24th and 26th October to discuss in detail with local Members the recommended site allocations. These workshops were well attended and productive discussions took place which will inform the work of officers as they draft the site allocation policies of the Plan. Members have been invited to forward any additional comments they wish to be taken into account to the Policy and Plans Team. A further Member workshop will take place in late-November, which will cover any remaining matters which Members wish to discuss, and the sites which have been rejected as housing allocations.

For any further information please contact the Policy and Plans team, who will be happy to help.

CRIME AND DISORDER, FINANCIAL AND EQUALITY AND DIVERSITY IMPLICATIONS

None arising directly from this report.

For further information please contact:

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Background papers:

None

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ENVIRONMENT OVERVIEW AND SCRUTINY PANEL – 9 NOVEMBER 2017.

REVIEW OF THE CHARGES LEVIED WITH REGARD TO PLANNING PRE APPLICATION ENQUIRIES

1. PURPOSE OF REPORT

- 1.1. This report advises the Environment Overview and Scrutiny Panel of the findings of the Task and Finish Group who met twice to consider the scope of the Council's charges for pre application advice, and the amounts charged five years on from the introduction of these charges in 2012.

2. BACKGROUND

- 2.1. The Council introduced a system of charges for pre application advice, covering the vast majority of planning and related enquiries, in 2012. The intent was to cover the full costs of providing such advice, with the exception of householder enquiries and those regarding Listed Buildings, which were subsidised. The income target for the current financial year is set at £75,000 and at present income is on track to achieve this notably due to the existence of a few larger schemes paying substantial amounts and one scheme, Fawley Waterside paying a five figure amount by the end of the year.
- 2.2. Details of the pre application enquiry process and how advice can be obtained from the Council is available on our website via the following link.
<http://www.newforest.gov.uk/article/13716/Am-I-likely-to-get-planning-permission-for-a-scheme-or-project-Getting-pre-application-planning-and-related-advice>
- 2.2. In charging for such advice the Council followed the lead taken by the majority of Local Planning Authorities and the level of service provided has been good in terms of the timeliness and calibre of response, with very few concerns being raised by users of the service.
- 2.3. As a generality, the majority of these concerns have been from individual residents who, as a matter of principle, do not see why they should pay for advice on extensions and alterations they propose to their properties, especially if they are Listed.

3. KEY OUTCOMES OF THE TASK AND FINISH GROUP'S REVIEW

- 3.1 The review basically considered four questions namely:

The level of charges levied

The scope of enquiries charged for

The principle of subsidised charges

The level of advice provided on the web with regard to the pre application enquiry process

These are considered individually in the following paragraphs.

3.2 The level of charges levied

The Task and Finish Group looked at the current level of charges as compared to those charged by nearby Local Planning Authorities. They also considered information provided to them by the Planning and Building Control Service Manager in respect of the actual time it took to deal with these matters.

The Group decided that it was relevant to increase charges to fully cover the time spent by planning and administrative Officers and the actual cost of the Officers involved in undertaking the response. They accepted that even though this would put the Council towards the top, or in some cases over, the extremely varied charges for similar matters levied by other Councils, it was only right to reflect cost recovery, based on the accurate assessment of the time spent to undertake the work now available.

They noted that tree enquiries are not charged for as the responses on such matters come from the National Park who deal with all planning related tree issues on behalf of this District under a specific SLA that incorporates a fixed global amount for such work.

They also considered that an automatic refund if the anticipated target time for any pre application enquiry response was missed was not appropriate and that the decision in such cases should be on the basis of a one off assessment of the delay and the reasons for it.

They noted that a proportion of the proposed rise is down to inflation as the charges have not been increased on an annual basis.

The existing and recommended proposed charges including VAT and the percentage increase between the two are set out in Appendix One.

3.3 The scope of enquiries charged for

The Task and Finish Group looked at the range of enquires charged for and agreed that these should be expanded to cover areas not currently charged for that, over the lifetime of the charging scheme, have been the subject of requests. These new charges would cover the following areas.

Advertisement Matters

High Hedge enquiries (these cover the entire District not just the Council's planning area)

Planning Conditions

It was also agreed that there should be a catch all rate for enquiries not set out in the defined list, with the costs to be based on a case by case basis of the anticipated Officer time involved in the response.

3.4 The principle of subsidised charges.

The Task and Finish Group considered whether subsidised charges should continue to apply to householder and Listed Building enquiries as had originally been agreed. They decided that, given the small scale of the relevant enquiry fees and the need to ensure that sufficient Officer level resource was available to deal with them in an appropriate manner, a cost recovery charge should now be applied.

- 3.5 The level of advice provided with regard to the pre application enquiry process
The Task and Finish Group reviewed the web pages that advise on pre application enquiries, how to submit one, the cost involved, the likely response time and the calibre of response to be expected. In doing this they were guided by an independent review undertaken by a Council Officer not involved with the Planning Service. They felt that improvements were required in terms of the clarity of the information provided and how to access it, with more relevant guidance on what information is required from the enquirer, and clearer links to the Government's National Planning Portal.

4. CONCLUSIONS

- 4.1 In conclusion, the Task and Finish Group was generally pleased with the way the planning pre application process had evolved since it was first rolled out. They agreed that notwithstanding the high percentage increase costs should be raised to accurately reflect the amount of work involved, that additional categories of advice should be included, that no subsidising should remain and that the information on the web should be reviewed and improved to reflect comments received. The proposed and revised charges suggested by the Task and Finish Group are set out in Appendix 1 to this report.

5. FINANCIAL IMPLICATIONS

- 5.1. The adoption of revised charges and an expansion of the areas charging covers will bring additional levels of income to the Council but these will only reflect the actual cost of providing the service in a way that ensures sufficient officer resources are to hand.

6. CRIME AND DISORDER IMPLICATIONS

- 6.1 None

7. ENVIRONMENTAL IMPLICATIONS

- 7.1. The provision of pre application advice assists in the production of high quality development proposals to the benefit of the environmental qualities of the District.

8. EQUALITY AND DIVERSITY IMPLICATIONS

- 8.1 None

9. RECOMMENDATIONS

- 9.1 That the Panel advise the Portfolio Holder that they agree with the recommendations of the Task and Finish Group with respect to the new categories and rate of charging with regard to pre application enquiries, asset out in Appendix 1 to this report, and the need to review and enhance the relevant web pages.

For further information contact:

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Development and Building Control Manager
Tel: 023 8028 5345
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Background Papers:

Pre App Charging Task and Finish
Group Minutes (2017)
Proposed web page changes

Appendix One: Current and Proposed Charges (following Portfolio Holder agreement) and Officer Hourly rates

Enquiry Type	Charges including VAT		
	Current	Proposed	Inc
Planning Application Checking	£30.00	£42.00	40%
Householder Is development acceptable enquiry	£90.00	£130.00	44%
Householder Is permission required and acceptable enquiry	£180.00	£211.00	17%
Householder post decision clarification	£52.00	£86.00	66%
Non Householder post decision clarification	£212.00	£264.00	25%
Shop fronts, telecommunications and changes of use enquiry	£90.00	£130.00	44%
Small scale development pre application enquiry	£277.00	£396.00	43%
Minor development pre application enquiry	£555.00	£726.00	31%
Major development enquiry	£832.00	£1188.00	43%
Principles of development enquiry	£2120.00	£2862.00	35%
Larger schemes enquiry	Hourly rate	Hourly rate	N/A
Trees enquiries	No charge	No charge	N/A
Straightforward Heritage Advice enquiry	£27.00	£66.00	144%
Complicated Heritage Advice Enquiry	N/A	£198.00	N/A
Advertisement Enquiry	N/A	£86.00	N/A
High Hedge Enquiry	N/A	£173.00	N/A
Conditions Pre App Householder	N/A	£86.00	N/A
Conditions Pre App Non Householder	N/A	£132.00	N/A
Catch All Enquiry not covered above	Hourly Rate	Hourly Rate	N/A
Officer Scale	2017/2018 Charge per hour (inc. on costs)		
Executive Head	£83.00		
Service Manager	£82.00		
Team Leader	£76.00		
Senior Planner	£55.00		
Technical Officer	£36.00		
Administrative Support	£35.00		

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ENVIRONMENT OVERVIEW AND SCRUTINY PANEL – 9 NOVEMBER 2017.

WORK PROGRAMME

ITEM	OBJECTIVE	METHOD	LEAD OFFICER
9 NOVEMBER 2017			
Tree Management Strategy	To review the effectiveness of the new Strategy documents	Officer report	Steve Jones
Textile and WEEE Banks	Review of the potential operation of textile and Waste Electrical and Electronic Equipment collection points and the Council's recycling Bring Sites	Task and Finish Group	Colin Read
Coastal Funding	To evaluate the Government's new funding system for coast protection works and to look at options. Interim report	Task and Finish Group	Steve Cook.
Planning Policy Update	To be advised of progress in the review of the Local Plan	Officer report	Louise Evans.
Enforcement Activity (street scene)	To update the Panel on changes in enforcement practices and their outcome	Officer report	Rob Lane
Planning fees and Charges	Review of options to ensure charges are appropriate	Task and Finish Group	David Groom
Environmental Health Review	To be advised of changes to the delivery of Environmental Health functions	Officer report	Jo McClay

11 JANUARY 2018

Project Integra Annual Update on Performance	To review performance	Presentation by Project Integra	Colin Read
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ITEMS THAT HAVE NOT YET BEEN TIMETABLED.

ITEM	OBJECTIVE	METHOD	LEAD OFFICER
Kerbside Glass Collection	To evaluate the text messaging alerts and promotion	Task and Finish Group	Colin Read
Council's waste Management Strategy	To review	Task and Finish Group	Colin Read
Fuel/Emission Efficient Vehicles	To review options for the Council's Fleet		Colin Read
Fly Tipping	To review the complaints and enforcement policy		Colin Read
Nuisance	To review the Council's policy on investigation and enforcement	Joint task and Finish group with the Community Panel	