

Report to: **Extraordinary District Council of Easington**
Date: **28 July 2005**
Report of: **Head of Planning and Building Control**
Subject: **High Hedges Charging Policy**
Ward: **All**

1 Purpose of the report

- 1.1 To consider the introduction of a charging policy for complaints relating to the recently introduced High Hedges legislation.

2 Consultation

- 2.1 The Directors of Regeneration and Development and Community Services together with appropriate members of staff have been consulted.

3 Background

- 3.1 In June 2005, the Government's brought into force legislation to administer complaints about high hedges under Part 8 of the Anti-social Behaviour Act 2003 and the High Hedges (Appeals)(England) Regulations 2005. The law makes provision for local Councils to determine complaints by the owners/occupiers of domestic properties adversely affected by evergreen hedges over 2 metres high and to charge a fee for this service.
- 3.2 Under the Local Government (Functions and Responsibilities)(England) Regulations 2000 as amended, responsibility for all functions relating to high hedges rests with the full Council. However, the Act does not specify which department of the Council should carry out this function on its behalf suggesting only that, having made the decision, it is import to inform relevant bodies such as Parish Councils and the Citizens Advice Bureau.

4 Position Statement and Option Appraisal

- 4.1 The role of the Council is not to negotiate or mediate between individuals but rather, to act as an independent and impartial third party and to adjudicate on whether the hedge is adversely affecting the reasonable enjoyment of the complainant's property. For this reason, the law requires people to have taken reasonable steps to try and settle their hedge dispute for themselves before complaining to the Council. However, having considered the complaint, the Council may if they consider the circumstances justify it, issue a notice requiring the owner or occupier of the land where the hedge is situated, to take action to remedy the problem and prevent it recurring.
- 4.2 Given the skills required to implement these new duties and similarities with the planning system, it is recommended that they are discharged by the Investigation and Implementation Team within the Planning and Building Control Service. This will impact upon the workload of the team but as the duties are new, it is difficult to quantify the impact at this stage. However, the duties and structure of this part of the service are currently under review and these additional duties can be taken into account in reviewing the structure of the service.
- 4.3 The Office of the Deputy Prime Minister has undertaken research to estimate the likely cost of delivering this service and it is recommended that initial fee for this service should be £300, which is towards the lower end of the scale of charges imposed by other authorities.

- 4.4 Appropriate literature has already been made available to the public a Procedure Note will be prepared to make clear how the Council will implement the High Hedges legislation.

5.0 Implications

5.1 Policy Implications

It is not considered that there are any implications resulting from this report.

Legal Implications

The government has issued comprehensive guidance on the delivery of this service which will guide the implementation of high hedges legislation.

Financial Implications

The introduction of a charge for this service is the main financial implication to be considered and this will need to be kept under review.

Risk Implications

A risk assessment has been carried out and all the necessary actions required to manage the identified risks either have been carried out or will be implemented.

Communications

It is recommended that access to this service is communicated to appropriate partner organisations and appropriate documentation and advice is provided on the website.

6.0 Corporate Implications

6.1 Corporate Plan and Priorities

It is not considered that there are any implications resulting from this report.

Equality and Diversity

It is not considered that there are any implications resulting from this report.

E-Government

It is not considered that there are any implications resulting from this report.

7.0 Recommendation

- 7.1 That the duties related to the High Hedges complaints are discharged by the Planning and Building Control Service on behalf of the Council and that the fee for this service is set at £300.

8 Background Papers

- 8.1 High Hedges Complaints: Prevention and Cure, ODPM, May 2005
8.2 Regulatory Impact Assessment: High Hedges – Implementing Part 8 of the Anti-social Behaviour Act 2003, ODPM, March 2005