

Report of	Meeting	Date
Head of Development and Regeneration	Development Control Committee	14 th February 2006

HIGH HEDGES FEES

PURPOSE OF REPORT

This report is for information and relates to the review of fees for dealing with High Hedge complaints.

CORPORATE PRIORITIES

1. The High Hedge legislation aims to help reduce “anti-social behaviour” in the Borough.

RISK ISSUES

2. The report contains no risk issues for consideration by Members.

BACKGROUND

3. Members considered a report in July 2005 relating to High Hedges were Part 8 of the Anti-Social Behaviour Act 2003 and the High Hedges (Appeals) Regulations 2005, gave district councils powers to deal with complaints about high hedges.
4. At its meeting in July, Development Control Committee resolved the following:-
 - That the report be noted and the Fee for the processing of complaints of High Hedges be set at £500.
 - That the officers be given the authority to waive the application fee in extreme cases of hardship.
 - That the fee be reviewed in 6 months in the light of the number of complaints processed.
 - That the Council make representation to the Office of the Deputy Prime Minister expressing disappointment that the problems created by the planting of high hedges had not been addressed.
5. This report relates to the review of the fee required by members at its meeting in July.

THE LEGISLATION

6. The legislation requires people to have taken reasonable steps to try and settle their high hedge dispute before complaining to the Council. The Council's role is not to mediate or negotiate between the complainant and the hedge owner but to adjudicate on whether – in the words of the act – the hedge is adversely affecting the complainants reasonable



enjoyment of their property. In doing so, the authority must take account of all relevant factors and must strike a balance between the competing interests of the complainant and hedge owner, as well as the interests of the wider community.

FEES

7. The Government has decided that councils will be able to decide whether and at what level it is appropriate fees should be set. The Government has not set an upper limit and therefore individual Local Authorities are free to determine a charge that covers the cost of staff time and available resources. The majority of the respondents to the Government's consultation believe that a fee of between £300 - £600 would be sufficient
8. Chorley has set its fees at £500. This figure is anticipated to cover the cost of staff time for initial and follow up site visits/meetings with both the complainant and the hedge owner, administration costs for dealing with the correspondence and serving legal notices, the time allocated for legal consultations and site visits to ensure that a hedge owner has complied with the height specified in the Decision Notice. It should also be born in mind that both parties have a right of appeal, so there is a significant likelihood of most cases ending at appeal.
9. In addition, subsequent inspections may also be required to ensure that the hedge height, if specified, is being maintained. In cases of non-compliance enforcement action and legal proceedings will have to be implemented and attendance to give evidence at an appeal hearing or court of law may also be required. There are also the legal costs involved in prosecutions under this legislation.

CURRENT POSITION

10. Since the introduction of the High Hedges legislation no complaints have been made to the Council requesting the investigation of High Hedge complaints. There have been several letters querying the fee. These letters have been responded to with an explanation of the work and time involved in dealing with such a complaint. No further correspondence has been received.
11. Anecdotal evidence from the Chief Arboriculturalist to the Office of the Deputy Prime Minister (ODPM) nationally indicates that the number of complaints to deal with High Hedges is significantly lower than expected. A case study of five local authorities has shown that only 32 complaints have been made since June last year and 9 of those complaints were not valid. Experience so far also indicates that there is no difference in the receipt of complaints between those authorities that charge and those that do not. It would appear therefore that the fee for dealing with the complaint is not necessarily the determining factor when submitting a complaint.
12. The ODPM have also indicated that they intend to review the legislation in five years from the inception of the legislation (1st June 2005) and that is likely to involve a survey of all Local Planning Authorities.
13. On that basis I do not propose that there should be a change to the fee as approved at Development Control Committee on the 26th July 2005.

COMMENTS OF THE DIRECTOR OF FINANCE

14. None.

COMMENTS OF THE HEAD OF HUMAN RESOURCES

15. There are no direct human resources implications at this stage.

RECOMMENDATIONS

16. That the report be noted for information.

JANE MEEK
HEAD OF DEVELOPMENT AND REGENERATION

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Wendy Gudger	5349	2 nd February 2006	ADMINREP/REPORT