

TO: ENVIRONMENT AND ECONOMIC POLICY COMMITTEE – JUNE 7TH 2006

SUBJECT: REVIEW OF IMPACT OF HIGH HEDGES LEGISLATION

FROM: PLANNING AND ENGINEERING BUSINESS UNIT

1. PURPOSE OF REPORT

- 1.1 To obtain the views of the EEPCC in order to forward these to the Executive of June 12th. The report to the Executive recommends that the present arrangement whereby delegated authority is given to the Head of Planning and Engineering, Group Leader Development Control or Principal Planning Officers within Development Control to respond to enquiries and complaints relating to high hedges continues unchanged.
- 1.2 The report further recommends that the fee of £350 originally set for handling high hedges complaints be retained at that level.

2. BACKGROUND

- 2.1 Part 8 of The Anti Social Behaviour Act 2003 which gives Local Authorities power to deal with complaints about high hedges took effect from 1st June 2005.
- 2.2 Each Local Authority is able to decide whether, and at what level, it is appropriate to charge for this service. A report was taken to the Executive on 15 June 2005 setting out the provisions of the new legislation and the fee set for Warwick District Council was £350 which reflected the fee being set by a large number of other councils. The Executive resolved to review the impact of the legislation after six months and a report is included on the Executive agenda for June 12th.
- 2.3 Handling of high hedges queries and complaints is a statutory requirement for all Local Authorities following the coming into effect of Part 8 of The Anti Social Behaviour Act 2003.
- 2.4 Since “amenity” judgements are involved in deciding whether a particular hedge should be reduced in height,, the Planning and Engineering Business Unit was considered to be the appropriate unit for handling the submitted complaints and has done so since June 2005..
- 2.5 It is difficult to be precise on the total number of telephone/tentative enquiries made to planning relating to the legislation, but this is estimated to be in the region of 80 for the period June 1 – end Dec 2005. The whole emphasis of the legislation is that complainants are expected to pursue all reasonable means of resolving the complaint with their neighbour and only approach the local authority as a last resort, if they have exhausted all other means.

- 2.6 Specific enquiries are handled by the enforcement section within planning where all cases requiring investigation are logged and 19 specific cases relating to high hedges were registered during the above period. Out of those, one was a valid application i.e. the hedge was covered by the legislation and the initial process of contact and arbitration had been completed by the complainant. This case has been subject of a Remedial Notice requiring reduction in height of a conifer hedge with a fixed compliance period. This particular hedge has now been reduced in height as required by the notice.
- 2.7 Other complainants (18) were provided with the (extensive) ODPM guidance and given advice about the procedures by enforcement staff. Two made further contact by telephone and explored the issue further. Sixteen made no further contact and it can only be assumed that matters were resolved. There has been no specific adverse feedback about or evidence that the level of the fee has acted as a deterrent.
- 2.8 In relation to the one case that has involved significant officer time, (planning, legal and leisure and amenities staff are involved), staff costs were £638.75, calculated using the set fee per hour as recognised in Court proceedings.
- 2.9 Setting an appropriate fee is a balance between the need to recoup costs and not preventing potential complainants from being able to obtain a reasonable solution to their problem. Whilst the current fee does not cover the costs of the one case that has taken a "legal" route, it is considered that raising the fee could have a further deterrent effect and that it would not be prudent to raise the fee on the basis of the one case where a remedial notice has been served.

3. **POLICY AND BUDGET FRAMEWORK**

- 3.1 There are no direct policy implications arising from this report which recommends that existing procedures continue. Given the small number of cases handled, the financial implications are very limited.

4. **OUTCOMES REQUIRED**

- 4.1 That members indicate any views on the content of this report which will then be forwarded onto the Executive.

John Edwards
Group Leader: Development Control

BACKGROUND PAPERS

Anti Social Behaviour Act 2003 - Part 8 – the law governing complaints about high hedges. Office of the Deputy Prime Minister (ODPM) High Hedges Complaints, Prevention and Cure 2005.

Report to Executive - June 15th 2005

Areas in District Affected: Whole District

Executive Portfolio Area and Holder: Environment: Margaret Begg

For further information about this report please contact:

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