

REPORT TO INFORM MEMBERS OF COPELAND BOROUGH COUNCIL'S INVOLVEMENT OF HIGH HEDGE INQUIRIES SINCE JUNE 2005

EXECUTIVE MEMBER: Cllr A Holliday

LEAD OFFICER: Keith Parker

REPORT AUTHOR: Richard Mellor

Summary: To report on the service demand with regards to High Hedge complaints since the implementation of the new legislation under the Anti Social Behaviour Act, in June 2005

RECOMMENDATION That a) the first six months of service demand be noted;
b) the investigating officer continues to monitor service and analyse costs against investigating officer's time; and
c) a further report be submitted in six months with a further update and review of the current rate.

Current Situation: To report only on time spent by local government, investigating officer.

Impact on delivering Corporate Plan: None specifically

Impact on other statutory objectives (e.g. crime & disorder, LA21): None specifically

Financial and human resource implications: See Conclusion notes

Project & Risk Management: None specifically

Key Decision Status

- **Financial:** None

- **Ward:** None

Other Ward Implications: None

1. BACKGROUND

- 1.1 Trees and hedges are a key element of our countryside but they also have a major part to play in urban areas in England where more than 80% of the population live. Trees and hedges in private gardens parks and streets are of great importance to people particularly in residential area. However where plants get out of hand problems can occur such as where a high hedge restricts someone's use or enjoyment of their property.
- 1.2 The ODPM 1999 consultation procedure entitled "High Hedges: Possible Solutions" estimated that there might be around 17,000 unresolved neighbour disputes over problems caused by overgrown hedges.
- 1.3 The most common concerns related to light obstruction and loss of visual amenity and existing procedures were found to be ineffective in settling these disputes. Common law rights entitle people only to cut overhanging branches and do not allow them to reduce the height of a neighbouring hedge. People have also been reluctant to take action through the civil courts not only because of the time and costs but also because the outcome was uncertain.
- 1.4 The 1999 consultation paper considered several possible solutions for dealing with these hedge problems and sought views on four options, ranging from doing nothing, through voluntary action to legislation. The majority of respondents to the consultation supported the provision of a new legislation, which would allow local authorities to act as a mediator in determining high hedge complaints.
- 1.5 A new provision was introduced in Part 8 of the Anti-Social Behaviour Act 2003 to allow local authorities in England and Wales to deal with complaints about problem high hedges where neighbours were unable to agree on a solution, this came into operation in England from 1st June 2005.

2. CURRENT POSITION

- 2.1 As part of the performance management of this service and inline with objective 5.4 of the Open Space Service Plan, a six monthly review & report of the progress and service demand is presented to executive.
- 2.2 Copeland Borough Council introduced agreed procedures for dealing with High Hedge complaints, and has delegated the powers to Leisure & Environmental Services, the responsible officer being Mr Richard Mellor – Landscape Officer, Open Spaces.
- 2.3 The current charge to residents for a High Hedge investigation is £175.00 with a 50% concessionary rate for senior citizens and residents who have a registered disability.

Time

Five enquiries, which equates to 16 hours, 43 minutes or £225.72 of investigating officer's time or an average of 3 hours/£45.14 per inquiry (excluding legal and admin costs)

Two formal complaints, one completed that equates to 19 hours of investigating officers time or £256.50 (excluding legal and admin costs) and one which is currently being investigated and equates to 2 hours, 3 minutes of council offices time or £27.94 financially.

3. RECOMMENDATION

- 3.1 Executive to note the first six months of service demand
- 3.2 Investigating officer will continue to monitor service and analyse costs against investigating officer's time.
- 3.3 To report back in six months with a further update and review of the current rates.

List of Appendices

List of Background Documents:

List of Consultees:

Cllr A Holliday, Portfolio Holder
S Borwick, Chief Finance Officer
M Jepson, Chief Legal Officer
P Robson, Service Accountant