



Report to Council

Subject: Fees Chargeable by Gedling Borough Council for the Investigation of High Hedges Complaints

Date: 10th June 2005

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Purpose of the Report

To seek approval for the charging regime and delegation for the investigation of High Hedges complaints made through Part 8 of the Antisocial Behaviour Act 2003.

The Act

Part 8 of the Anti-social Behaviour Act 2003 gives Councils powers to deal with complaints about High Hedges. This comes into operation on the 1st June 2005. The Environmental Protection Section has been receiving requests for service from this date. Up to the time of writing (10/06/05) 27 requests had been received.

Fees

Section 68(1)(b) of the Act allows councils to charge a fee for determining a complaint about a high hedge. The Secretary of State has not, at present, used his powers to prescribe, through regulations, a maximum fee. Each Council is free, therefore, to charge for this service as they think fit. The section also states that a fee must accompany all formal complaints.

It is also for each Council to decide whether or not to provide refunds. In certain circumstances, Councils might wish to return any fee paid – see figure 1. There is no requirement, however, to offer refunds. In particular, complainants should not expect Councils to return money where the complaint has been formally determined, whether or not the outcome is favourable to them. Nor is it appropriate for Councils to get involved in any attempts by the complainant to seek reimbursement of their fees from the hedge owner.

Background information

The 1999 consultation paper 'High Hedges: Possible solutions' carried out by the DETR estimates there might be around 17,000 unresolved neighbour disputes over

high hedges, whilst the 2004 consultation carried out by the ODPM estimates the potential number of unresolved high hedge disputes to be from around 30 to 300 per authority.

Based on information provided by Local Authority respondents to consultation, the estimated time and costs involved in investigating a complaint are shown in Table One: Cost of Dealing with a Typical Complaint. This is taken from the Regulatory Impact Assessment: High Hedges – Implementing part 8 of the Anti-social Behaviour Act 2003 (ODPM 2005).

Investigation of a formal complaint will involve written reports, site visits, telephone calls, letters and, if deemed necessary, the preparation and enforcement of legal notices. Once a remedial notice is served, Gedling Borough Council may be required to carry out the work in default, recharging the hedge owner the costs incurred. Alternatively, the Council may prosecute the hedge owner for non-compliance of the remedial notice. All of which will add considerably to the workload of the Case Officer.

Remedial notices will be registered as a local land charge and therefore successors to the property will be required to keep the hedge to the specified height. Therefore, if the original problem recurs, the Council may be required to revisit and investigate any future complaints regarding the hedge.

The attached flow chart (figure 2) taken from the High Hedges Guidance gives an overview of the process of dealing with high hedge complaints.

TABLE ONE: COST OF DEALING WITH A TYPICAL COMPLAINT

	Hours per case ¹	Costs: Net ²	
		Median min	Median max
Administrative Officer³	4.5	£76.50	£85.50
Case Officer⁴	10.0	£230.00	£295.00
Senior Officer⁵	0.5	£16.00	£12.00
Legal Advisor⁶	0.5	£17.00	£12.50
TOTAL	15.5	£339.50	£405.00

¹ Based on estimates provided in Isle of Wight Council's consultation response. Adjusted in particular to reduce time spent on negotiation, which is not the primary role of the local authority in these cases.

² Uplifted by 210% to include unproductive time (holiday, sickness, training days etc) as an overhead. Based on the findings in 'The Planning Service: Costs and Fees', ODPM 2003.

³ Group 4: Admin Officer in the *Market Pay Survey* (salary range £14,800 to £16,500).

⁴ Group 43: Planning Officer in the *Market Pay Survey* (salary range £21,300 to £26,600).

⁵ No equivalent in the *Market Pay Survey*. Salary range £29,100 to £34,500 drawn from job adverts and cross-checked with 'Table 4.2: Planning service staff by salary band, percentages' in 'The Planning Service: Costs and Fees', ODPM 2003.

⁶ Group 53: Solicitor in the *Market Pay Survey* (salary range £29,800 to £34,100).

Other Local Authorities.

Costs already set (or in the process of being set) by other local authorities are shown in table two.

TABLE TWO: COSTS BEING SET BY OTHER LOCAL AUTHORITIES.

Authority	Cost	£
Amber Valley	400	
Bolsover	390	
Broxtowe	300	
Leicester City	400	
North East Derbyshire	320	
Newark and Sherwood	300	

The Regulatory Impact Assessment identifies that 76% of local authority respondents favoured a maximum fee based on full cost recovery. 38% of authorities agree that a fee of between £280 and £320 would cover their costs while 47% thought that a fee in the range of £400 and £600 would be more appropriate.

CONCLUSION

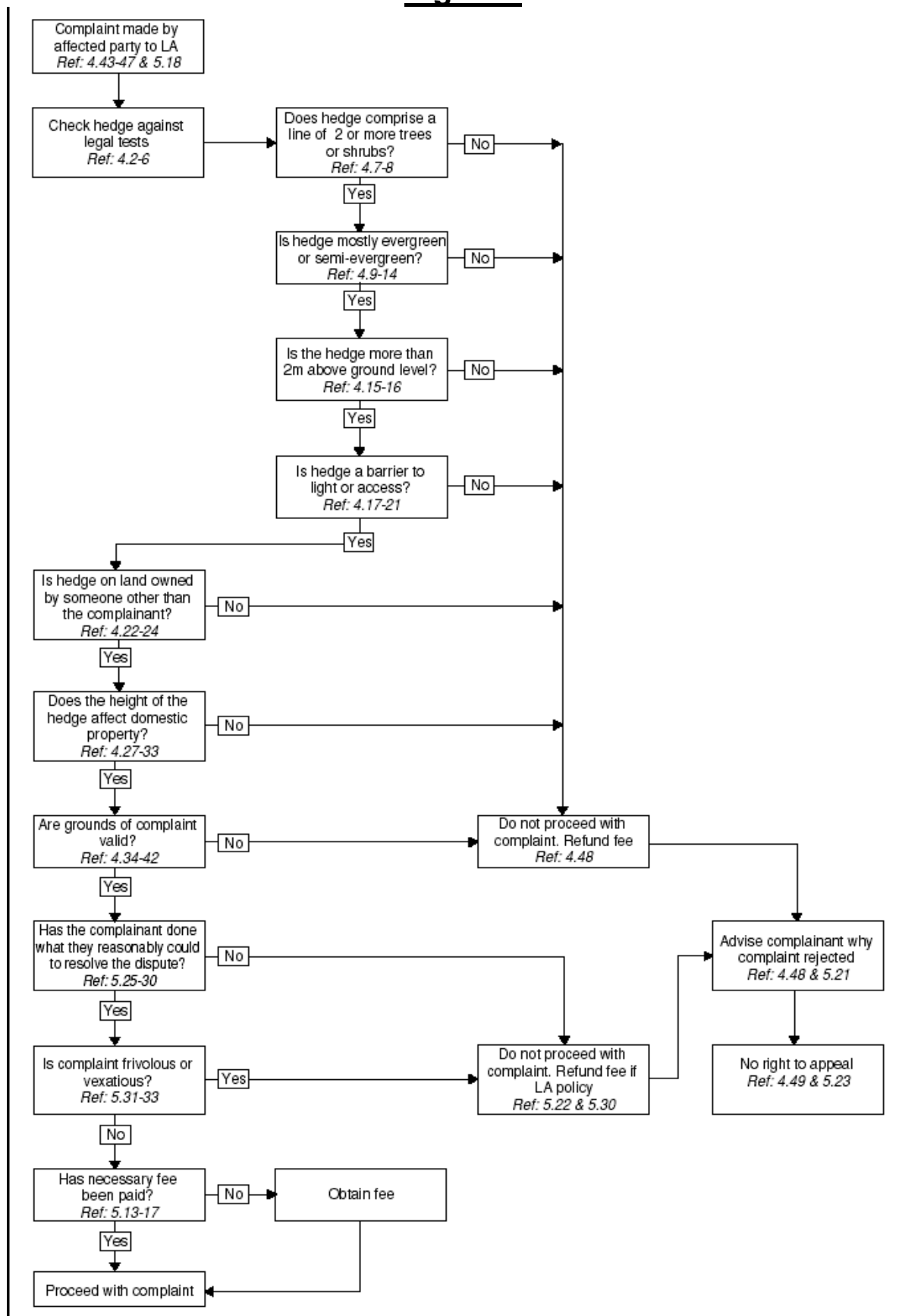
In the light of these figures, it is proposed, therefore, that **£350** would be an appropriate fee to charge for the investigation of high hedges complaints under Part 8 of the Anti-social Behaviour Act 2003.

This figure should be reviewed annually to assess whether or not the fee covers the costs involved in investigating high hedge complaints.

Recommendations

1. That members approve the implementation of a £350.00 flat fee for the investigation of High Hedge requests for service.
2. That members delegate responsibility for enforcement of the regulations to the Head of Planning and Environment.
3. That the grounds for refund of the fee are those set out in Figure 1.
4. That the level of fees are to be reviewed annually by full council to ensure that the fee covers costs incurred by the Council to investigate high hedge complaints.

Figure1



Overview of process. Charts on specific elements can be found with the relevant text

Figure 2

