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**Select Committee on the Environment – 30 March 2006**

**Report of the Area Liaison Officer for Brierley Hill Area Committee**

**High Hedges Legislation**

**Purpose**

1. To refer issues to the Select Committee from the Brierley Hill Area Committee where members had some concerns with regard to the proposals for dealing with the High Hedges Legislation.

**Background**

2. The Area Committee considered reports on high hedges submitted to their meetings on 1<sup>st</sup> September and 27<sup>th</sup> October 2005.
3. The members of the Area Committees discussed these reports but were left with a number of areas of concern and resolved: -

That the Select Committee on the Environment to be requested to look at the issues arising from the legislation in particular fees and charges.

4. The Area Committee's concerns related to 5 main areas.
  - i) The lack of a clearly defined role for Ward Councillors in lobbying or support for action in disputed locations.
  - ii) Uncertainty over the role to be played by the Council's mediation service prior to any formal application for action.
  - iii) The need for a fee to be charged especially as this was being charged to the aggrieved party, and lack of clarity of the build up of the fee.
  - iv) The lack of clear guidance as to when discretion would be used in cases of hardship.
  - v) Uncertainty over who would pay the fee in the case of Council housing tenants.
5. As all of these issues related to how the legislation would apply across the whole of the borough the Area Committee was of the view that these matters would be better

dealt with through the Select Committee rather than by seeking an additional report back to the Area Committee.

## Finance

6. Section 68 of the Anti-Social Behaviour Act 2003 requires that complaints are accompanied by such fees as the local authority determines.
7. The Council charges a fee in accordance with Government Guidance as no funding was provided to local authorities to implement and enforce the new legislation. The fee is set at £405.
8. The Council has reserved the right to use discretion in relation to cases of hardship

## Law

9. Part 8 of the Anti-Social Behaviour Act 2003 brought into force by virtue of statutory instrument 2005 number 711 (The High Hedges (appeals)(England) Regulations), places a statutory duty on local authorities to determine the complaint made against high hedges.

## Equality Impact

10. There are no specific equality issues relating to this report.

## Recommendation

11. That the Committee considers what action it wishes to take.



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**Eric S Lawson**  
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## List of Background Papers

Brierley Hill Area Committee Reports on High Hedges 1 September 2005, 27 October 2005  
High Hedges Complaints; Prevention and Cure  
Regulatory Impact Assessment : High Hedges – Implementing Part 8 of the Anti Social Behaviour Act 2003  
The Anti Social Behaviour Act 2003