



Subject:	High Hedge Complaints - Fees
Date:	3 rd March 2020
Reporting Officer:	Nigel Grimshaw, Strategic Director of City & Neighbourhood Services Ryan Black, Director of Neighbourhood Services.
Contact Officer:	Stephen Leonard, Neighbourhood Services Manager (South)

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues
1.1	Members are reminded that, at the People and Communities Committee meeting on the 6 th August 2019, Councillor McMullan raised an issue regarding the cost to ratepayers in making a formal complaint about high hedges; the Committee agreed that a report be submitted to a future meeting considering the charge to make a high hedge complaint which currently stands at £350 and consider the feasibility of reducing this fee, taking into consideration the fees charged by other Local Authorities and provide clarity around the current assistance provided by the Council to its ratepayers in respect of mediation and advice.
2.0	Recommendations
2.1	The Committee are asked to: <ul style="list-style-type: none">(i) Note the contents of this report; and(ii) Agree to maintain the current High Hedge fee of £350

3.0	Main report
	<p data-bbox="272 237 421 266"><u>Key Issues</u></p> <p data-bbox="165 284 1468 416">3.1 The High Hedges Bill was introduced in the Northern Ireland Assembly on the 26 April 2010 and the Bill received Royal Assent on the 3 May 2011 becoming the High Hedges Act (Northern Ireland) 2011.</p> <p data-bbox="165 488 1445 669">3.2 Members are reminded that in September 2011 the Parks and Leisure Committee approved submission of the final consultation response to DoENI setting out the Council's preferred fee of £350.00 which contributes to the cost of officers investigating and processing a complaint.</p> <p data-bbox="165 741 1458 1122">3.3 In summary the Act provides a means of redress for people who are suffering loss of amenity because of a high hedge on a neighbour's land acting as a barrier to light, and provides District Councils with certain powers to deal with high hedge complaints. The legislation allows Councils to charge a fee for complaints and to transfer this charge to the 'hedge owners' when a remedial notice takes effect. At the end of any appeals process or if the hedge owner decides not to appeal the remedial action, it is at this point that the full £350.00 fee is then refunded to the complainant and the fee is then be transferred to the hedge owner.</p> <p data-bbox="165 1193 1465 1375">3.4 Since the High Hedges Act (Northern Ireland) 2011 came into operation, the Council has formally investigated and processed 28No High Hedge complaints, two of which have gone on to appeal with the Northern Ireland Valuation Tribunal and these appeals were upheld in favour of the Council.</p> <p data-bbox="165 1447 1468 1827">3.5 Council officers deal with approximately 400 High Hedge related informal complaints each year. Officers can spend on average between 20 minutes to 45 minutes per call, advising/assisting on the legislation and explaining the various options opened to complainants. This approach has been very positive and welcomed by complainants and we believe the professional advice provided has prevented many complaints going on to the formal stage, as people are willing to speak to their neighbours again with the additional information given to them by officers; only the most difficult cases go on to the formal stage.</p> <p data-bbox="165 1899 1382 1980">3.6 In addition to the verbal advice provided by officers, the Council also provides written guidance by way of a high hedge pack. The pack contains the following information:</p> <ul data-bbox="325 2051 1011 2083" style="list-style-type: none"> • How to fill in a formal High Hedge complaint form

	<ul style="list-style-type: none"> • Guidance notes for complainants • Sample letter templates that complainants can send to their neighbour • Frequently asked questions information sheet • Citizen Advice contact details • Mediation contact details
3.7	<p>Contact was made with all the other Councils in Northern Ireland and they were asked to confirm the fees they currently charge to make a formal High Hedge complaint. (See Appendices No1 – Fees charged by other City Councils in Northern Ireland). You will note that eight Councils currently charge £360, Belfast charge £350, Mid Ulster charge £250 and Derry and Strabane charge £50.</p>
3.8	<p>We have calculated that our officer time spent on investigating and processing a formal High Hedge complaint, without going on to the final appeals stage would be in the region of 24 hours, at a unit hourly cost of £21.94 which equates to £526.56. If a formal High Hedge complaint goes on to the appeal stage, the time spent on the case would increase from 24 hours to 32 hours which would equate to £702.08 (See Appendices No2 – High Hedge Flow Chart) which highlights the various stages of a formal High Hedge complaint.</p>
3.9	<p>If the current High Hedge complaint fee in Belfast was reduced to a figure of £50, similar to Derry and Strabane City Council, we believe there would be an increase in formal complaints, as complainants would more likely pay the reduced fee and would be less likely to try again with their neighbour, which would be the preferred and recommended route. This reflects the ethos of the legislation and in our experience leads to the majority of issues being resolved in an informal way. A reduction in the High Hedge fee would also place an additional strain on the existing resources of the Woodland & Recreation team.</p>
3.10	<p><u>Financial & Resource Implications</u></p> <p>The current High Hedge fee doesn't cover the real cost to investigate and process a formal High Hedge complaint and reducing the High Hedge fee which is currently £350, may result in a sharp increase in formal complaints and officer time.</p>
3.11	<p><u>Equality or Good Relations Implications /Rural Needs Assessments</u></p> <p>There are no known equality or good relation issues associated with this report.</p>
4.0	Appendices – documents attached
	<p>Appendix 1 - Fees charged by other City Councils in Northern Ireland</p> <p>Appendix 2 - High Hedge Flow Chart</p>