



Belfast City Council

Report to:	Parks and Leisure Committee
Subject:	Consultation on High Hedges
Date:	10 November 2011
Reporting Officer:	Andrew Hassard, Director of Parks and Leisure
Contact Officer:	Alan McHaffie, Woodland and Recreation Manager

1.	Relevant Background Information
1.1	In March 2010, the council responded to the Department of the Environment (DoENI) consultation on the draft High Hedges Bill - which became the <i>High Hedges Act (Northern Ireland) 2011</i> (the Act) in May 2011. Following on from this, in September 2011 the council responded to a DoENI consultation on the associated <i>(Draft) High Hedges (Fee) Regulations (Northern Ireland) 2011</i> and the <i>(Draft) High Hedges (Fee Transfer) Regulations (Northern Ireland) 2011</i> (the Regulations), as approved by this Committee at its September 2011 meeting.
1.2	In summary, the Act will provide a means of redress for people who are suffering because of a high hedge (types of hedges that are covered by the legislation are specified) on a neighbour's land acting as a barrier to light, and will provide district councils with certain powers to deal with complaints about high hedges. The regulations will allow councils to charge a fee for complaints, and to transfer this charge to 'hedge owners' where hedges are found to be a problem.

2.	Key Issues
2.1	DoENI is currently undertaking further consultation on the <i>High Hedges Act (Northern Ireland) 2011- Draft Guidance</i> , to which responses are required by the deadline of 11 November 2011. The consultation seeks views on five draft guidance documents to support the <i>High Hedges Act (Northern Ireland) 2011</i> , specifically: <ul style="list-style-type: none">• Draft Guidance for Councils;• Technical Guidance;• Draft Guidance for Complainants;• Draft Guidance for 'Hedge Owners'; and• Draft Guide to Appeals.

2.2	The consultation documents are available through the Consultations page of the DoENI website at http://www.doeni.gov.uk/index/information/foi/recent-releases/publications-details.htm?docid=8356 (these are too large to provide with this report).
2.3	A draft response has been prepared though consultation with relevant officers across the council including staff from the Public Health and Regulatory Services Division in Health and Environmental Services (see Appendix 1).
2.4	There are staff resource requirements to implement the legislation. These are dealt with in the section below.

3.	Resource Implications									
3.1	<p><u>Financial</u></p> <p>As detailed in the report to Committee in September 2011, the DoENI recommends that the charge levied be in the region of £320 to £350 per case. At present it is anticipated that we would be required to deal with a figure in the region of 200 cases per year, generating potential revenue of between £64,000 and £70,000. However the Department does not currently have the resources to deal with this anticipated caseload. Therefore it is estimated that additional staff will be required.</p> <table data-bbox="323 1153 1126 1265"> <tr> <td>Revenue generated:</td> <td>£64,000</td> <td>£70,000</td> </tr> <tr> <td>Staff cost:</td> <td>£55,000</td> <td>£55,000</td> </tr> <tr> <td>Net cost saving:</td> <td>(£9,000)</td> <td>(£15,000)</td> </tr> </table>	Revenue generated:	£64,000	£70,000	Staff cost:	£55,000	£55,000	Net cost saving:	(£9,000)	(£15,000)
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3.2	<p><u>Human Resources</u></p> <p>To effectively manage the scheme it is anticipated that 2 additional staff should be recruited; one administrative and one technical for a range of duties which will include:</p> <ul data-bbox="373 1451 1369 1832" style="list-style-type: none"> • dealing with daily queries/requests and assessing if the complaint falls within the scope of the High Hedges Act; • providing advice and information packs; • detailed site visits which will enable the gathering and assessment of evidence in each individual case; • issuing various letters to complainants and hedge owners; • enforcement; • monitoring 'Remedial Notices'; • dealing with appeals; and • updating the High Hedges database on a daily basis 									
3.3	<p>These posts are not currently in the establishment for the Department. The indicative grade at this stage is scale 4 for the administrative post and S01 for the technical post with a combined cost of £55,000 per year, to include NIC and superannuation. Given that the level of demand is not</p>									

	<p>yet known, it is envisaged that these posts would be recruited as fixed term in the first instance. A review would then take place at an agreed future date with a view to establish whether or not a business case can be made for permanency.</p> <p><u>Asset and Other Implications</u> None at this stage.</p>
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4.	Equality and Good Relations Implications
4.1	In the consultation documents, DoENI states that it undertook an equality impact screening of the draft High Hedges Bill and the High Hedges fee regulations, concluding that “there is no adverse impact for any of the nine categories listed under Section 75”. From this, DoENI considers that separate screening of the supporting guidance is not necessary.
4.2	DoENI also considers that its proposals are compatible with the Human Rights Act 1998.

5.	Recommendations
5.1	<p>Members are asked to:</p> <ul style="list-style-type: none"> (i) Approve submission of a final consultation response to DoENI, subject to any comments provided, by the deadline of 11 November 2011. This would be with the proviso that the response is subject to full council approval on 1 December 2011; and (ii) Approve the creation of 2 posts, one administrative and one technical, to discharge the council’s new responsibilities under the High Hedges Act (Northern Ireland) 2011. These posts will be fixed term in the first instance with the Department presenting a further report at a future date, providing an analysis of demand and cost and the associated staffing implications.

6.	Decision Tracking
	Report to Committee By the Woodland and Recreation Manager in January 2012, providing an update on progress towards the draft regulations coming into operation.

7.	Key to Abbreviations
	DoENI: Department of the Environment Northern Ireland

8.	Documents Attached
	Appendix 1: Draft Consultation Response