



Belfast City Council

Report to:	Parks and Leisure Committee
Subject:	High Hedges Act Implementation Review
Date:	14 February 2013
Reporting Officer:	Andrew Hassard, Director of Parks and Leisure
Contact Officer:	Jacqui Wilson, Business Manager

1.	Relevant Background Information
	<p>In March 2012 committee was presented with a report on the implementation of the High Hedges Act setting out the key stages of the process (see appendix 1). Committee also authorised the Director of Parks and Leisure to enforce the provisions of the High hedges Act (NI) 2011 under the Council's Scheme of Delegation.</p> <p>Committee also authorised the Director of Parks and Leisure to carry out a series of functions associated with performing the Council's statutory role under the High Hedges legislation as follows:</p> <ul style="list-style-type: none">• Enforcing all Regulations or Acts made and remedial notices under the High Hedges Act (NI) 2011• Issuing and serving remedial notices• Exercising all powers in relation to the High Hedges Act (NI) 2011• In conjunction with Legal Services, instituting legal proceedings and making legal applications on behalf of Belfast City Council• Authorising individual officers for the purpose of exercising any statutory power under the High Hedges Act (NI) 2011. <p>Committee approved the process and requested that the process be reviewed within 12 months. 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 covers the cost of investigating and processing a complaint.</p>

2.	Key Issues
	<p><u>High Hedges Act – the review of the process</u></p> <p>From April 2012 to date the service has dealt with 119 complaints in relation to high hedges the majority of these by telephone. All but one of these complaints was dealt with informally. The one complaint that did proceed through the formal route was completed without any appeal with the service receiving the £350 required fee. The officers however have dealt with over 1300 calls requesting advice and guidance on the legislation. Nine months into the new legislation there is still an uncertainty about the volume and patterns around the enquiries going forward.</p> <p>Originally the DoENI scoping consultation had estimated that there could be a backlog of 800 high hedge problem cases which will be required to be determined by district councils in the first 2 to 3 years that the legislation is in operation.</p> <p>The experience to date therefore is that the service is working hard with residents to resolve issues regarding high hedges through the informal process. The service will continue to improve the communication of this legislation and has information packs available and detailed information on the website which it will continue to maintain and promote.</p> <p>Committee is therefore to note that the unit wishes to continue with the existing process as it has been tested and proven successful. Committee is asked to recognise that the service being provided is proving to be more in relation to advice and guidance through the stage one of the process and that only one complaint has gone through all the stages of the process. The financial implications in relation to this are set out below.</p>

3.	Resource Implications
	<p>In the report to committee in March 2012 the view was that the High Hedge fee of £350 would cover the costs associated with administering this new legislation.</p> <p>Currently there are two fixed term officers providing advice and support in this area at a cost of £54k. The estimates for 13/14 include both officers' costs however there is associated income from other projects to offset their costs. The assessment is that sustaining this level of income over time is unlikely.</p> <p>It is recommended that the current provision of service with the two officers as set out above continue as is and review after a further period of a year. It is acknowledged that there are peaks and troughs in the requirement for advice and guidance provided by the unit. However both</p>

	officers are also involved in supporting other funded work that is provided by the unit and officers are satisfied that both posts can be covered by the income from these projects for the next year subject to review and the impact of RPA on the unit.
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4.	Equality Implications
	<p>DoENI have undertaken an equality impact screening of the 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”.</p> <p>The High Hedges legislation was presented to the Council’s equality consultative forum and it was suggested that the High Hedge process was reviewed after a 12 month period. From the analysis of the enquiries/complaints that we have received we do not feel that there is any adverse impact on any of the nine categories under Section 75. Also as the majority of the cases were resolved without any fee being levied we do not feel our process is prohibitive due to a fee being applied where relevant. However we will review this again in 12 months.</p>

5.	Recommendations
	<p>Members are asked to note the contents of this report and;</p> <p>Note the success of the informal process to date Note that the formal process has been tested successfully Agree to maintain the resources currently in place for the service with a further review in a year’s time.</p>

6.	Decision Tracking
	The unit manager and the Business Manager will ensure the review takes place by March 2014.

7.	Key to Abbreviations
	DoENI – Department of the Environment Northern Ireland RPA – Review of Public Administration

8.	Documents Attached
	Appendix 1 High Hedges Process Map