

ABERDEEN CITY COUNCIL

COMMITTEE	Enterprise, Strategic Planning and Infrastructure
DATE	13 th March 2014
DIRECTOR	Gordon McIntosh
TITLE OF REPORT	High Hedges (Scotland) Act 2013 – Application fees
REPORT NUMBER:	EPI/14/042

1. PURPOSE OF REPORT

The High Hedges (Scotland) Act 2013 allows for the local authority to set a fee to accompany an application for a high hedge notice. This report details the fee proposed.

2. RECOMMENDATION(S)

That the committee approves the fee proposed of £382.

3. FINANCIAL IMPLICATIONS

Financial implications will be limited to staff resource use and associated costs.

The level of resource and associated costs cannot be predicted as it will be determined by the level of applications submitted, the complexity of applications, the need to enforce notices and the need to defend appeals should they arise.

4. OTHER IMPLICATIONS

Input from Corporate Governance is likely to be required once a High Hedge notice requires to be served.

5. BACKGROUND/MAIN ISSUES

The High Hedges (Scotland) Act 2013 is due to come into force on 1st April 2014. The Act places a duty on local authorities, on submission of an application, to determine if the height of a High Hedge adversely affects the enjoyment of the domestic property which an occupant of that property could reasonably expect to have. If the hedge is causing an adverse affect the local authority has a further duty to determine if any immediate and/or preventative action is required. If action is required the local authority may serve a High Hedge notice.

The Act allows for the local authority to set a fee for administering an application.

The average fee in England and Wales for a similar service is £340.

Feedback from other Scottish local authorities has indicated a range of proposed fees;

- £192 - £560
- Average - £381.50

Aberdeen City Council is proposing to set their fee at £382. The fee reflects the fee currently charged for processing a range of planning applications.

The fee reflects 21.5 hours of work at a planning officer grade. The time required to process a 'simple' application; including correspondence, site visit, assessment, reporting to committee and issuing of a High Hedge notice is estimated at 18 hours.

It is considered that few applications will be 'simple'. The Act requires the complainant to attempt to resolve the matter prior to approaching the local authority. The request for a High Hedge notice is considered to be a last resort when communication between neighbours has failed to conclude a satisfactory outcome. Both parties have the option to appeal a High Hedge notice. It is considered that a number of cases are likely to result in appeals which will result in further officer time.

6. IMPACT

The implementation of the High Hedges (Scotland) Act 2013 will assist the Council in delivering a number of Single Outcome Agreements.

- (9) We live our lives safe from crime, disorder and danger
- (11) We have strong, resilient and supportive communities where people take responsibility for their own actions and how they affect others.
- (12) We value and enjoy our built and natural environment and protect it and enhance it for future generations.
- (15) Our public services are high quality, continually improving, efficient and responsive to local people's needs.

This report is likely to be of interest to the public as it contains information relating to a new service that will be provided by Aberdeen City Council. There have already been a number of enquires relating to the High Hedges Act by members of the public. It is likely that further interest will be raised due to expected media coverage once the date the Act will come in to force is confirmed.

The Equality and Human Rights Impact Assessment (EHRIA) identified a potential negative impact on people with protected characteristics. Paragraph 9 of the EHRIA states;

- Charging an application fee could negatively impact on those experiencing poverty as it may preclude them from utilising the service.

7. MANAGEMENT OF RISK

The setting of a fee may result in both a control and opportunity risk which may impact on several risk classifications; including Financial, People and Customer/Citizen.

It has already been acknowledged that setting too high a fee may negatively impact on those experiencing poverty as they may not be able to access the service.

The setting of a fee will however help ensure that reasonable effort is made by potential applicants to resolve the matter prior to approaching the Council. A fee may also help ensure that this service is not used in a frivolous or vexatious manner.

Whilst a high fee may negatively impact on the ability for some to access the service, too low a fee may result in significant uptake of the service. This may impact on our ability to deliver the service in a timeous manner.

8. BACKGROUND PAPERS

- High Hedges (Scotland) Act 2013
- High Hedge Application Fee's, Heads of Planning Scotland, Knowledge Hub [ONLINE] <https://knowledgehub.local.gov.uk>
- Hedgeline [ONLINE] <http://www.clareh3.webspace.virginmedia.com>
- EHRIA

9. REPORT AUTHOR DETAILS

Kevin Wright, Environmental Planner

Kewright@aberdeenshire.gov.uk

01224 522440