

REGENERATION, COMMUNITY AND CULTURE OVERVIEW AND SCRUTINY COMMITTEE

16 NOVEMBER 2010

PETITIONS

Report from: Robin Cooper, Director of Regeneration, Community and Culture

Author: Caroline Salisbury, Overview and Scrutiny Co-ordinator

Summary

This report advises the Committee of the petitions presented to the Mayor at Council meetings including a summary of officer's response to the petitioners.

1. Budget and Policy Framework

1.1 The constitution provides that petitions presented at Council meetings relating to matters within the remit of an Overview and Scrutiny Committee will be referred immediately to the relevant Director for consideration at officer level.

2. Background

2.1 Where the Director is able to fully meet the request of the petitioners a response is sent of the proposed action and timescales for implementation. The petition organiser may request to refer the matter to the relevant Overview and Scrutiny Committee if s/he is not satisfied with the answer and has given reasons for their dissatisfaction.

2.2 For petitions where the Director is unable to meet the request of petitioners or where there are a range of alternative responses the petition will be referred to the next relevant Overview and Scrutiny Committee for discussion.

3. Petitions

3.1 A summary of responses relevant to this Committee that have passed the ten day deadline for a request for referral to the Committee and are therefore seen as acceptable to the petitioners are set out below.

Subject of petition	Council Date Presented by	Response
Traffic calming measures in Rushdean, Sycamore and Seagull Roads, Strood	17 June 2010 Councillor Avey	Road Safety Engineers reviewed the last 3 year's personal injury collision history to establish the priority for introducing safety improvements on this route. Unfortunately, there are other locations with poorer safety records and therefore having a higher priority for action. However, a traffic survey will be undertaken to identify driver speeding patterns. This will allow intelligence led speed enforcement to take place as appropriate.

4 Petitions referred to this committee

- 4.1 The following petition has been referred to the Committee for consideration as the lead petitioners have indicated that they are dissatisfied with the responses received.
- 4.2 Demand for a High Hedge at 105 Jersey Road, Strood to be reduced in size.

This petition was presented to Council on 14 October 2010 by Councillor Hubbard. The petition stated:

“We the undersigned residents of Pepys Way jointly demand the Local Authority ensures that the owner of 105 Jersey Road, Strood be made to reduce the size of his high hedge in accordance with the obligations as stated in the anti-social behaviour legislation (Part 8) and maintain it in the future.”

- 4.3 The Director of Regeneration, Community and Culture responded to the petition and the letter is attached at Appendix A.
- 4.4 The letter requesting referral to the Committee is attached at Appendix B.
- 4.5 A copy of the “High hedges: complaining to the council” leaflet mentioned in the Director’s letter has also been attached at Appendix C.

Directors comments

- 4.6 The response to this petition was detailed in the letter attached at Appendix A. The following comments respond to the points raised in the letter from Mr Pycroft dated 1 November 2010 requesting referral to the committee.
- 4.7 The advice provided in our recent letter to Mr Pycroft is taken from the government guidance document High Hedges Complaints Prevention and Cure. This Guide sets out the government's policy advice on administering complaints about high hedges in England under part 8 of the Anti-Social Behaviour Act 2003.
- 4.8 The guide offers specific advice on how a Council should deal with uncommon cases such as those where there are multiple complaints about a single hedge with one owner. Paragraph 5.19 (a) of the guide states:

“Councils must consider separately and individually the impact of the hedge on each property that is affected. Separate complaints should, therefore, be submitted by the owner or occupier of each of the affected properties, together with the requisite fee. If they are submitted at the same time, Councils are advised to link the complaints as they are processed so that the relationship between them, and the practical implications for the hedge owner, can be considered.”

- 4.9 The linking of complaints merely refers to the practical implications raised when considering a common hedge. It has no bearing on the investigative work undertaken by the Council, or the decision notices that need to deal with each complaint separately. I have no reason to believe other Councils depart from the government guidance and do things differently.
- 4.10 The guide offers specific advice on how a Council should issue a decision letter or remedial notice to deal with uncommon cases such as those where there are multiple complaints about a single hedge with one hedge owner. Paragraph 5.111 (a) of the guide states:

“Multiple complainants, single hedge, one owner require multiple decisions. As indicated previously, each complaint should be considered separately and individually and so separate decision letters and remedial notices should be issued. Each notice would need to specify the section of hedge in relation to which action should be taken to deal with the effects on the property that is the subject of the particular complaint. The practical implications for the hedge owner in terms of compliance with the various remedial notices are discussed in Chapter 6: Remedial Works.”

4.11 Paragraphs 6.42 - 6.45 of the guide state:

4.11.1 *“Where Councils are dealing with more than one complaint in respect of a single long hedge, they must consider each case on its particular merits. And they must issue a separate remedial notice in respect of each complaint.”*

4.11.2 *“By following the process set out above, this could produce several different solutions in respect of one length of hedge. Thus it is possible that separate remedial notices could be issued requiring one section of the hedge to be reduced to a certain height while another portion should be cut lower, with the rest of the hedge left intact.”*

4.11.3 *“Under the terms of the Act, it is not open to the Council to amend the remedial action required in one case to take account of the impact of the hedge on another property that is the subject of a separate complaint, even though this might produce a more workable solution. They cannot, therefore, resolve these different outcomes through the terms of the remedial notices.”*

4.11.4 *“Instead, such matters must be left to good practice advice. Where cases are linked in this way, therefore, Councils are advised to highlight the apparent inconsistencies to the owner or occupier of the land where the hedge is situated and suggest ways in which the various requirements might be met.”*

4.12 With regard to criticisms concerning the absence of any site visit to view the hedge it's important to note that the role of the Council is to act as an independent and impartial third party. When dealing with any valid complaint the Council needs to fully consider all aspects of the complaint and the response from the hedge owner too. The Council cannot therefore visit the site to coach or to offer an opinion to either the hedge owner or someone who is unhappy about the impact of a neighbour's hedge.

4.13 The response to the petition set out the factors that Medway Council are required to consider prior to validating a complaint, which includes an assessment as to whether or not a complaint is considered frivolous or vexatious. We have no evidence to suggest that a future high hedge complaint from Mr Pycroft or his neighbours would be either frivolous or vexatious.

5 Financial and Legal Implications

5.1 Any financial and/or legal implications arising from the issues raised by the petitions are set out in the comments on the petitions.

6 Recommendation

6.1 Members are requested to:

- (a) note the petition response and appropriate officer action in paragraph 3 of the report;
- (b) consider the petition referral and Director's comments in paragraph 4 of the report

Background papers

The law giving local councils powers to deal with complaints about high hedges is contained in part 8 of the Anti-Social Behaviour Act 2003 and the High Hedges (Appeals) (England) Regulations 2005.

The guide setting out the government's policy advice on administering complaints about high hedges is contained in the government guidance document High Hedges Complaints: Prevention and Cure

Contact for further details:

Alan Brier, Senior Tree Officer

Tel No: 01634 332285 Email: alan.brier@medway.gov.uk

Caroline Salisbury, Overview and Scrutiny Co-ordinator.

Tel No: 01634 332013 Email: caroline.salisbury@medway.gov.uk

Please contact: Leigh Ann Thurgood

Your ref:

Our ref: Lat/ME316

Date: 26 October 2010

Mr and Mrs Pycroft
76 Pepys Way
Strood
Rochester
Kent.
ME2 3LL

Director's office
Regeneration, Community and Culture
Medway Council
Gun Wharf, Dock Road, Chatham
Kent ME4 4TR
(DX56006 STROOD)
telephone: 01634 331022
facsimile: 01634 331729
email: leighann.thurgood@medway.gov.uk

Dear Mr and Mrs Pycroft

Petition: To Reduce the Size of Hedges at 105 Jersey Road

Thank you for your petition that was presented at Council on 14 October 2010 by Councillor Hubbard, asking Medway Council to ensure that the owner of 105 Jersey Road, Strood be made to reduce the size of hedge in accordance with obligations as stated in the anti-social behaviour legislation.

As you will recall from previous correspondence on this issue, a tree officer has given advice on how you and your neighbours could proceed with complaints about the hedge at 105 Jersey Road. The following reiterates this advice, which should help you and your neighbours decide how best to proceed with your complaint about the hedge at 105 Jersey Road:-

The law giving local Councils powers to deal with complaints about high hedges is contained in Part 8 of the Anti-social Behaviour Act 2003 and the High Hedges (Appeals) (England) Regulations 2005. These documents make provision for local Councils to determine complaints by the owners/occupiers of domestic property adversely affected by evergreen hedges over 2 metres high. The Council are able to charge a fee for this service, to be paid by the complainant. They may also reject the complaint if they consider that insufficient effort has been made to resolve the matter amicably, or that the complaint is frivolous or vexatious.

The Council may, following consideration of a valid complaint, issue a notice requiring the owner or occupier of the land where the hedge is situated to take action to remedy the problem and to prevent it recurring. This is known as a "remedial notice". Any remedial notice may be enforced through criminal prosecutions and/or by the Council entering the land and carrying out the necessary work if the owner or occupier fails to do so.

This information is available in other formats and languages from Leigh Ann Thurgood on 01634-331022. If you wish to contact the Council through the Minicom (text) facility please ring 01634 333111.

The role of the Council is to act as an independent and impartial third party. The Council cannot negotiate or mediate between individuals but will adjudicate on whether the hedge is adversely affecting the reasonable enjoyment of the complainant's property. In doing so, the Council will take account of all views and relevant factors - including the hedge owner's amenity and that of the wider neighbourhood. The Council will assess each case on its particular merits.

If a complaint is considered to be justified, the Council may order the hedge owner to remedy the problem by, for example, reducing the height of the hedge and maintaining it at the lower level. The Council can only require works to the hedge that address any problem it is causing. There is nothing in the Act that says nuisance hedges must be cut down to 2 metres.

Complaints may not always involve one complainant, one hedge and one hedge owner. It is important to note that Councils are advised to deal with complaints involving a single hedge owner and multiple complainants separately, assessing the impact of the hedge on each property that is affected. Separate complaints should, therefore, be submitted by the owner or occupier of each of the affected properties, together with the requisite fee. If they are submitted at the same time, Councils are advised to link the complaints as they are processed so that the relationship between them, and the practical implications for the hedge owner, can be considered.

If you or your neighbours wish to make a formal complaint about your neighbour's hedge under Part 8 of the Anti-social Behaviour Act 2003 and have discussed the problem with the hedge owner but had been unable to agree a solution, please do so using the enclosed complaint form.

Before filling it in, I recommend that you read the enclosed leaflet High hedges: complaining to the Council. It explains what complaints we can consider and how we will deal with them.

The leaflet also sets out what we expect you to have done to try to settle your hedge dispute. If you have not exhausted all the avenues mentioned, you should consider giving them a try. If you don't, you will need to explain why not. Otherwise, we might not proceed with your complaint.

The complaint form constitutes your statement of case as to why you consider the hedge is adversely affecting the reasonable enjoyment of your domestic property. It will be an important document in the Council's consideration of the complaint, as well as in any subsequent appeal against our decision. In setting out your grounds of complaint, therefore, you should describe fully the problems caused by the hedge, their severity and the impact on you. Please also send us any supporting information that you want us to take into account.

Please return the completed form to me at the above address. You must also send a copy to the owner and occupier of the land where the hedge is situated. These are the people listed in sections 5.4 and 5.5 of the form.

This information is available in other formats and languages from Leigh Ann Thurgood on 01634-331022. If you wish to contact the Council through the Minicom (text) facility please ring 01634 333111.

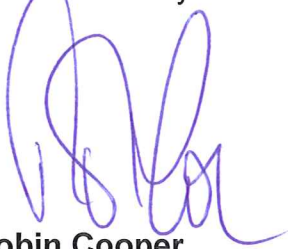
When we receive your formal complaint, we will run some checks to make sure that it meets the requirements set out in Part 8 of the Anti-social Behaviour Act 2003 and that we can, therefore, deal with it.

If we cannot proceed with the complaint, we will tell you why not. Otherwise, we will acknowledge that we have received it and explain what happens next.

I hope this information helps you and your neighbours.

If you do not consider that the issues raised in your petition have been addressed, please refer to the procedure sent with the acknowledgment letter for a possible further course of action.

Yours sincerely



Robin Cooper
Director of Regeneration, Community & Culture

Cc: Councillor Hubbard, Medway Council

**Mr & Mrs A Pycroft
76 Pepys Way
Strood, Rochester
Kent, ME23LL**

**Ms Julie Keith
Head of Democratic Services
Medway Council
Gun Wharf
Dock Road
Chatham
Kent ME4 4TR**

**Your Ref: Lat/ME316
Our Ref: Jersey Rd 01_11_10**

1st November 2010

**Dissatisfaction of Response to Petition
To Reduce the Size of Hedges at
105 Jersey Road**

Dear Ms Keith,

Thank you for the letter dated 26th October 2010, (postmarked the 29th), which I received this afternoon. Due to the 10 day response rule, I shall be delivering this response by hand.

The petition I submitted was on behalf of the 16 properties in Pepys Way that physically back onto Mr Singh's land and that are directly affected by his high hedge, however, there are at least another 6 properties in Jersey Road that are affected, and another 4 more that soon will be. Also, since the article on the front page of the Medway Messenger I have had visits from owners of properties on the opposite side of Pepys Way who have said they would support our petition as even they are now beginning to be affected by the high hedge.

I read with interest on page 2, Paragraph 3 of Robin Cooper's letter, where he states that "Councils are advised to deal with complaints separately, assessing the impact of the hedge on each property that is affected". Who is it that you are being advised by? Is this Council policy or Government policy?

If the former then surely a common sense approach could be applied, especially in light of the fact that you say "If they (the complaints) are submitted at the same time, Councils are advised to link the complaints as they are processed so that the relationship between them, and the practical implications for the hedge owner, can be considered". This seems to me that you will be getting 16 x £420 fees, totalling £6,720, yet doing no more than if you only had one complaint, thus raking in £6,300 for essentially little, if any extra work. This hardly seems like a public service.

If it is the latter, then how is it possible that this approach has been used successfully in other parts of the Country when all other avenues have been tried?

I am truly baffled by the way this is been dealt with, if half as much effort had been put into actually coming up and looking at this problem first hand as has been used to thwart every attempt to do so, I believe you would have a better understanding of what it is we are having to put up with on a daily basis.

There are at least 22 separate homes that this high hedge is now affecting, just how many more people have to get involved to get this sorted. This isn't just a lack of natural light, or having to lay Astroturf, or loss of cherished views, but the situation has gone on for so long now that even the radio and TV reception is disrupted.

I am happy to pay the requisite fee, but as stated before, I (and my fellow signatories) believe that one fee is a fair way in which to proceed given the unusual nature of the geographical layout of the properties involved and the fact that we have tried and failed to get an amicable solution by dealing with Mr Singh directly.

I also acknowledge that under this approach, the anti-social laws do not require that the offending high hedge need to be reduced in height to 2 meters. We are not asking for this, nor have we ever asked for this, we are asking that they be reduced and maintained to the height of the rooftop of Mr Singh's property.

I don't quite know how you can judge a complaint to be frivolous given the high cost that we have to pay to proceed. And the only vexation is coming in the form of physical gestures of a threatening nature from Mr Singh who only the week before was stating to the Medway Mediation Service that he had no problem with any of his neighbours.

I would welcome the opportunity to put my case to members, about the Council's questionable policy, at a meeting of the relevant Overview and Scrutiny Committee.

Yours Truly

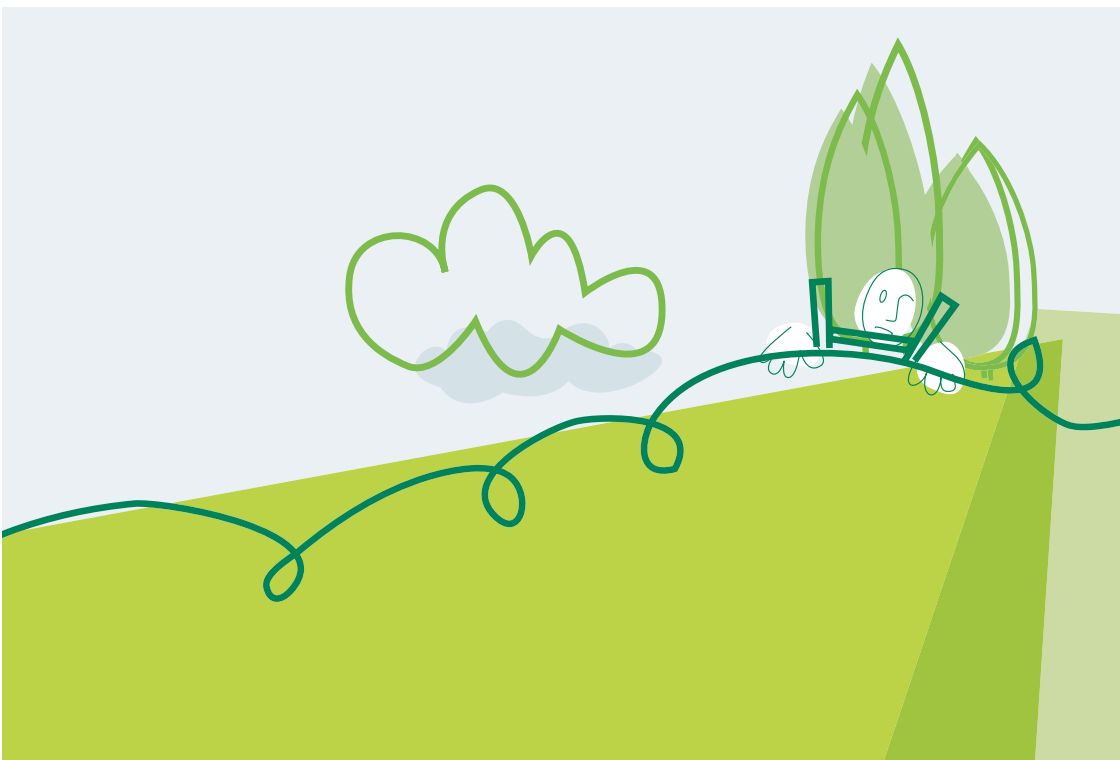


Adrian Pycroft



High hedges: complaining to the Council

The right hedge can be an ideal garden boundary but the wrong hedge may bring problems. This leaflet explains what will happen if the Council get involved – using their powers in Part 8 of the Anti-social Behaviour Act 2003. It is a simple guide and not a statement of the law.





Common questions

Can I Complain

1. Can we go straight to the Council with our hedge problem?

No. Involving the Council should be a last resort if you really can't agree a solution. The Council can refuse to intervene if they think you haven't done everything you reasonably could to settle your dispute.

2. What will the Council expect us to have done to sort this out between ourselves?

This will depend on how well you get on with your neighbours. But, before you contact the Council, you should have tried the following:

- Have a quiet word with your neighbour about your concerns.
- Follow this up by sitting down with them so that you can get a better understanding of each other's concerns and try to figure out the answer.
- If this doesn't work, invite them to talk to independent mediators who can help you find a way forward.

If your neighbour won't talk to you or you are nervous about speaking to them, send a polite letter. It won't be enough to say your neighbour is not approachable. Further information on settling your hedge differences is in the separate leaflet 'Over the garden hedge'.

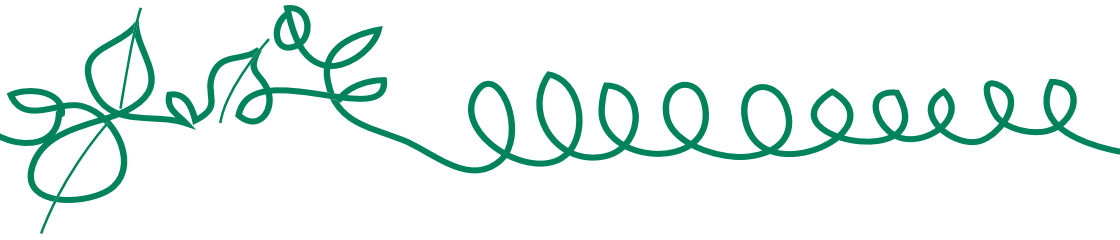
Keep a record of what you've done – eg. copies of letters or a diary.

If nothing works, you should let your neighbours know that you will be making a formal complaint to the Council.

3. My hedge dispute has been running for years. Am I expected to go through all this again?

The Council will expect evidence of a recent attempt to settle your dispute with your neighbour. If you rely on an approach you made more than, say, 4 months ago, they could ask you to try again.

You never know, your neighbour could have had a change of heart. They might not welcome the Council getting involved and could be ready to compromise.



4. What sorts of complaint can the Council look at?

If you've been through all the steps set out above **AND** can answer 'yes' to **ALL** the points listed below, the Council should be able to look at your complaint:

About the hedge

- Is it growing on land owned by someone else?
- Is the hedge – or the portion that is causing problems – made up of a line of 2 or more trees or shrubs?
- Is it mostly evergreen or semi-evergreen?
- Is it more than 2 metres tall?
- Even though there might be gaps in the foliage or between the trees or shrubs, is the hedge still capable of obstructing light or views?

Who can complain

- Are you the owner or occupier (eg. tenant) of the property affected by the hedge?
- Is the property residential?

Grounds of complaint

- Does the hedge detract from the reasonable enjoyment of your home or garden because it is too tall?

5. The hedge has got some gaps in it that allow light through. Does this mean that I can't complain to the Council about it?

Not necessarily. It depends on the extent of the gaps.

This may not be easy to judge. There are no rules that say if the trees or shrubs are more than a set distance apart, then you can't complain. But, where individual trees or shrubs are so widely spaced that you can see what lies behind them, then it might not meet the criteria for making a complaint.

6. Can I complain to the Council about individual trees?

No. Follow the steps in the leaflet '*Over the garden hedge*' to try to settle your dispute.

7. Does the hedge have to be on the boundary line or in next door's garden?

No, it doesn't matter where the hedge is growing, provided it isn't on your own land. Though the farther away it is from your house or garden, the less troublesome it is likely to be.

8. What's a semi-evergreen tree or shrub?

It's something that keeps some live or green leaves all year round.

Depending on where you live, this could include privet. The further north you are, the more likely that a privet hedge will lose its leaves over the winter.

It doesn't include beech or hornbeam hedges. The leaves that they keep in the winter are dead and brown.

9. Where is the 2 metres measured from?

It's measured from ground level. This is usually at the base of the trunk or main stem of the trees or shrubs in the hedge. Unless it has been planted on a bank or in a raised bed, when the measurement would be taken from the natural ground level.

10. What sort of problems can I complain about?

You can complain about problems that you experience in your house and garden because the hedge is too tall. You must also be able to explain why these bother you.

Because each case is different, it's impossible to produce a list of potential grievances that you can choose from. You need to think about the disadvantages that you actually face, whether these are to do with the height of the hedge and how serious they are.

The Council won't be able to consider things that are not really about the hedge in question or its impact on your house and garden. For example, that other people keep their hedges trimmed to a lower height, or that the worry is making you ill.

11. I'm worried that the hedge will cause subsidence in my home. Can I complain about this?

No. This isn't to do with the height of the hedge but its roots taking moisture from soils that shrink. The Act specifically says that Councils can't deal with problems caused by roots.

What will it cost

12. Do I have to pay the Council to consider my complaint? If so, how much?

Yes, you have to pay the Council for this service. Their complaint form should tell you how much.

13. Will I get my money back if the Council uphold my complaint?

No.

14. Can the Council help me get it back from my neighbours?

No, the Council can't get involved in helping you recover the fee that you have paid and certainly can't force your neighbours to reimburse you.

15. What if I cannot afford to pay the fee?

Check if your Council offer reduced fees for people who are on a low income or benefits.

What do I do

16. Who do I complain to?

You should contact your local district or borough Council. They're the ones you pay your council tax to. You can find them in Yellow Pages under Local Government. The main switchboard should be able to tell you which department of the Council deals with complaints about high hedges.

17. How do I make a complaint?

The Council will send you a form to fill in. This is your main chance to set out your case so it is important that you provide full information on the form. In particular, think carefully about your grounds of complaint. Explain as clearly as you can the problems that you actually experience in your house and garden because the hedge is too tall, and why these are serious. Stick to the facts and provide all relevant information to back up the points you are making.

If you're having trouble filling in the form, your local Citizens Advice Bureau may be able to help. Alternatively, a relative or friend could complete it on your behalf.

The completed form can be sent by post or email to the Council. You should send a copy to your neighbours so they know what you've done. If you don't send it to them, the Council will. So bear this in mind when you complete the form.

Remember to enclose the right fee with the form. The Council can't consider your complaint without it.

18. What happens if the hedge is owned by the Council?

You should still send your complaint to the Council. They will make sure that it is dealt with by different people from those who look after the land where the hedge is.

If you don't agree with the Council's decision on your complaint, you can appeal to the Planning Inspectorate.

What will happen to my complaint

19. What will the Council do with my complaint?

Once the Council are satisfied that your complaint meets the legal tests, they will invite your neighbour to set out their case. When they've got both sides of the story, an officer of the Council will pay a visit, to see the hedge and surroundings for themselves. They will also obtain any other

facts about the site that they need to help them decide your complaint. They might, for instance, need to measure the size of your garden or how far the hedge is from windows in your house.

Once they've got all this information together, the Council will weigh it all up. They will decide whether the hedge adversely affects the reasonable enjoyment of your home and garden and what – if anything – should be done about it.


If they decide action is necessary, they will issue a formal notice to your neighbour which sets out what they must do to the hedge and when they must do it by. This is known as a remedial notice. It can also require your neighbour to keep the hedge trimmed to its new size.

20. This appears overly complicated. Surely all it needs is for the Council to go and get evidence to show the hedge is a nuisance and then order the offender to cut it down?

That's not the way the law works. There is no offence for having a tall hedge. So it's not up to the Council to prove the hedge is a nuisance.

Their job, in the words of the Act, is to decide whether the hedge is adversely affecting your reasonable enjoyment of your property and, if so, what action – if any – should be taken to remedy the situation or to prevent it happening again.

The use of the word 'reasonable' is important. It means that the Council cannot just take into account your concerns. They must also consider your neighbour's point of view and think about the consequences for the neighbourhood. For example, the hedge might help to make the area an attractive and pleasant



place to live. The Council have to weigh up all relevant information before reaching a fair and balanced decision.

Collecting written evidence from you and your neighbour, and visiting the site, will make sure that the Council have the information they need to make the right decision.

21. How do I know whether it's going to do me any good to complain to the Council?

You can't be certain what the result will be. That's why it is important to think carefully about your reasons for complaining to the Council before you return your form. You might find it worthwhile looking at the detailed guide '*High hedges: prevention and cure*'. It gives advice on the sort of things that Councils will take into account in considering how serious the problems you're complaining about are. This might help you to test out the strength of your arguments.

As a general rule, your case will be weaker if the trouble with the hedge affects you for only a short time, or is just inconvenient.

22. How long will I have to wait for the Council to decide my complaint?

There is no set deadline for the Council to decide your complaint. Remember it will take time for them to get a statement from your neighbour, and to arrange to visit the site. So you shouldn't expect to get an answer for at least 12 weeks.

If you are worried because you haven't heard anything, you could contact the Council to check progress.



What will happen to the hedge

23. If the Council uphold my complaint, will the hedge have to be removed? That would solve the problem once and for all.

No, the Act specifically says that the Council can't order that the hedge be removed entirely. Nor can they require it to be cut down below 2 metres.

24. Will the hedge have to be cut down to 2 metres then?

Not necessarily. There is nothing in the Act that says all hedges must be cut down to 2 metres. As a general rule, the Council can only order your neighbour to reduce the hedge to a height that will remedy the problems – or prevent them happening again – and no more. 2 metres will not, therefore, be the right answer in every case.

25. How long will the Council give my neighbour to cut the hedge?

This will vary but it could well be months rather than weeks. The Council must be realistic about how long it will take your neighbour to carry out the works. They might also allow extra time so that the hedge does not have to be cut when birds might be nesting in it. Your neighbour can appeal if they think the Council have not allowed enough time.

26. What is there to make sure my neighbour keeps the hedge at its new height? Do I have to complain again, and pay a fee?

As well as reducing the height of the hedge, the Council can order your neighbour to take action to prevent the problems with the hedge happening again. This could include keeping the hedge within its new height for as long as it is there. The remedial notice



issued by the Council will set out any such maintenance requirement. So you wouldn't have to make another formal complaint and go through this process again to get something done.

27. Does the Council's remedial notice allow me to cut my neighbour's hedge if I think they're dragging their heels?

No, it doesn't give you any right to cut the hedge. If you do anything more than trim branches that hang over your side, your neighbour could take you to court for damaging their property.

If any trees in the hedge are protected, you might not be able to do even this without getting separate permission from the Council.

28. What happens if my neighbour doesn't cut the hedge when they're meant to?

Failure to carry out the works ordered by the Council is an offence. Your neighbour could be prosecuted and, if found guilty in the magistrates court, could be fined up to £1,000.

29. Will the Council cut the hedge instead?

The Council can go onto your neighbour's property and cut the hedge if they don't do it themselves. But it's up to the Council whether they step in. They are not obliged to do so.



What if I disagree with the Council

30. Is there anything I can do if I don't like the Council's decision?

If you disagree with the Council's decision, you can appeal to the independent Planning Inspectorate. They must receive your appeal within 28 days of the date of the Council's decision letter.

There is a separate leaflet '*High hedges: appealing against the Council's decision*' that explains how you can appeal and how your appeal will be handled.

You should be aware that your neighbour can also appeal if they are unhappy with the Council's decision.

If you think the Council have not handled your complaint properly, you can complain to the Local Government Ombudsman.

Useful contacts

Arboricultural Association – for a list of approved contractors to carry out work on trees and hedges, search www.trees.org.uk or tel: 01794 368717

Citizens Advice Bureaux – offer free, confidential, impartial and independent advice. You can find your local office in Yellow Pages

Community Legal Service (CLS) – helps people to find the right legal advice. There are CLS Information Points in local libraries. Or else search www.clsdirect.org.uk or tel: 0845 345 4 345 for your nearest Community Legal Service provider

Gardening Which? helps its members with their gardening problems tel: 0845 903 7000

Hedgeline – help those affected by problem hedges, drawing on the experience of their members. See their website at www.hedgeline.org or tel: 0870 2400 627

Mediation UK – to find your nearest community mediation service search www.mediationuk.org.uk or tel: 0117 904 6661

Royal Horticultural Society – helps its members with their specific gardening problems tel: 01483 479700. General advice on planting and looking after hedges is available at www.rhs.org.uk/advice

Tree Helpline – for impartial advice on anything to do with trees, hedges and shrubs tel: 09065 161147 (calls are charged at £1.50 a minute)

Further information

'Anti-social Behaviour Act 2003: Part 8' – the law governing complaints about high hedges.

'High hedges complaints: prevention and cure' – a detailed guide on administering high hedge complaints.

'High hedges: appealing against the Council's decision' – a leaflet explaining how to appeal if you disagree with the Council's decision on a hedge complaint.

'Over the garden hedge' – a leaflet on how to settle your hedge differences without involving the Council.

'The right hedge for you' – a leaflet to help you choose the most suitable hedge for you and your garden.

'Hedge height and light loss' – a booklet to help you assess whether an evergreen hedge is blocking too much daylight and sunlight to neighbouring properties. A printed copy costs £6.50.

'Protected Trees: A Guide to Tree Preservation Procedures' – a leaflet answering some of the most common questions about tree preservation procedures.

Text of the Act is available on www.hms0.gov.uk/acts. All the other documents are available at www.odpm.gov.uk/treesandhedges or from ODPM Publications (tel: 0870 1226 236)

