

Agenda Item 6b

Area of Review	Proposal and Rationale	Sections of the Constitution to be revised
<p>Disestablishment of High Hedges Committee and Delegation of functions to Director of Environment and Enforcement</p>	<p>Part 8 of the Anti-Social Behaviour Act 2003 gives the Council authority to deal with complaints and remedial action in respect of high hedges. It sets the procedure which must be followed and is a strictly regulated process. There is little discretion in the assessment as calculations and formulas are used to assess whether a hedge is too high (as it has an adverse effect on a neighbour's enjoyment of their home and/or its garden or yard) and the remedial action required.</p> <p>The Local Government (Functions and Responsibilities) Regulations 1990 (as amended) require that this function not be exercised by the Executive; it is a council function. However it is not reserved for Council itself, it may be delegated.</p> <p>Bolsover District Council has established a High Hedges Committee which has been delegated this function. The Committee has met once recently in January 2020. Prior to this, the last meeting was in 2010 when a concessionary fee was considered. The last complaint was heard in 2009.</p> <p>The recent meeting of the High Hedges Committee has highlighted that the calling of a committee for this purpose is not the most efficient procedure due to the highly regulated nature of the decisions to be made. Following the meeting, the Chair requested that officers look in to alternative methods of dealing with high hedges complaints.</p> <p>It is therefore proposed that the Committee be disestablished and that the functions, as set out below, be delegated to the Director of Environment and Enforcement:</p>	<p>Part 3 – Functions Scheme Removal of High Hedges Committee – page 45 of the current version</p> <p>Addition to Scheme of Delegation to Officers Specific Delegations to the Director of Environment and Enforcement page 89 of the current version. <i>(Please note other changes to the delegation scheme have been agreed to reflect the changes to the SAMT structure in March 2020)</i></p>

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| | <ul style="list-style-type: none">i) The handling of complaints and remedial action in respect of high hedges under Part 8 of the Anti-Social Behaviour Act 2004, regulations and orders made under that Act, in accordance with procedures approved by the Council.ii) Procedures, fees and resource allocation in respect of the implementation of Part 8 of the Anti-Social Behaviour Act 2003. | |
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The first of these functions will in practice be carried out by Planning Officers authorised by the Director of Environment and Enforcement.

From a comparison of other authorities, it appears to be common practice for this function to be delegated to officers rather than a committee solely for this purpose.

Members of the High Hedges Committee have been consulted on the proposal. Responses to the consultation will be reported verbally to the Standards Committee meeting.