



EXECUTIVE DECISION RECORD

A1 Service Area	Enforcement Services
A2 Title	High hedges -- Anti Social Behaviour Act 2003- Fee Setting
A3 Decision Taken By	Deputy Leader
A4 Chief Officer	Please print name: Mark Rizk Please sign name: 
A5 Leader / Deputy Leader	Please print name: Cllr G Hall Please sign name: 
A6 Date of Decision	[30/4/19-]

Confidentiality

A7 Is this Decision confidential by containing exempt information as described in Schedule 12A of the Local Government Act 1972?	No
A7.1 If yes, please state relevant paragraph from Schedule 12A LGA 1972.	N/A


Scrutiny

A8 Which Scrutiny Committee should this decision be submitted to?	<i>(Please tick as appropriate)</i> ✓	
Scrutiny (Audit & Value for Money Council Services) Committee	<input checked="" type="checkbox"/>	
Scrutiny (Economic Growth, Communities and Health) Committee	<input type="checkbox"/>	

B1 What is the Decision?	To approve a revised fee in respect of activities undertaken by the Council regarding the investigation of high hedge complaints under the Anti-Social Behaviour Act 2003.						
B2 What are the reasons for the Decision?	<p>Local Authorities act as the principal investigator of complaints about problem hedges where neighbours are unable to agree a solution. The Act allows Local Authorities to charge a fee for the service of adjudicating a high hedge dispute between neighbours. The current fee is set at £210 which is payable by the complainant. The proposed revised fee is based on the actual costs incurred by the Council and have been calculated using time analysis data relating to typical administrative, inspection and decision-making tasks for each category of activity involved in an investigation. The proposed fees and charges are also in accordance with the applicable legislation.</p> <table border="1" data-bbox="683 987 1378 1137"> <thead> <tr> <th data-bbox="683 987 916 1059">Fees</th> <th data-bbox="916 987 1147 1059">Cost 2017-18</th> <th data-bbox="1147 987 1378 1059">Cost 2019-20</th> </tr> </thead> <tbody> <tr> <td data-bbox="683 1059 916 1137">High Hedge</td> <td data-bbox="916 1059 1147 1137">£210</td> <td data-bbox="1147 1059 1378 1137">£654</td> </tr> </tbody> </table> <p>A consultation exercise has been undertaken and no representations have been received.</p>	Fees	Cost 2017-18	Cost 2019-20	High Hedge	£210	£654
Fees	Cost 2017-18	Cost 2019-20					
High Hedge	£210	£654					
B3 What are the contributions to Corporate Priorities?	<p>Value for money Council services- the proposed fees reflect the actual costs of providing the service.</p> <p>Promoting local economic growth- having in place a clear and transparent fee will help ensure a fair trading environment.</p> <p>Protecting and strengthening communities - the Council's enforcement activities are primarily concerned with public protection and assisting the public in resolving issues that affect where they live.</p>						
B4 What are the Human Rights considerations?	There are no Human Rights issues arising from this decision.						

Financial Implications

B5 What are the financial implications?	There is no impact on the Medium Term Financial Strategy. The Council has received two fee payments in the last five years.
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The finance section has been approved by the following member of the Financial Management Unit:	Please print name: <i>ANYA MURRAY</i>
	Please 

Policy Framework

B6 Is the Decision wholly in accordance with the Council's policy framework?	Yes
B6.1 If No, does it fall within the urgency provisions (Part 3 of the Constitution)?	N/A
B6.2 Has it got the appropriate approvals under those provisions?	N/A
B7 Is the Decision wholly in accordance with the Council's budget?	Yes
B7.1 If No, does it fall within the urgency provisions (Part 3 of the Constitution)?	N/A
B7.2 Has it got the appropriate approvals under those provisions?	N/A

2024/25 Financial Strategy
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Equalities Implications

B8 What are the Equalities implications: The subject of this decision is not a policy, strategy, function or service that is new or being revised. An equality impact assessment is not required.
B8.1 Positive (Opportunities/Benefits): As stated, an equality impact assessment is not required.
B8.2 Negative (Threats): None.
B8.3 The subject of this decision is not a policy, strategy, function or service that is new or being revised. An equality impact assessment is not required.
B8.4 As stated, no equality impact assessment is required and therefore no actions to be carried out as a result have been identified.

Risk Assessment

B9 What are the Risk Assessment implications:
B9.1 Positive (Opportunities/Benefits): The Council must have a Schedule of Fees in order to avoid any potential legal challenges. By reviewing and adopting the proposed fee, the Council is able to demonstrate their validity in the event of any challenge.
B9.2 Negative (Threats): By not reviewing the fee, the Council would not be confident in fully recovering its reasonable costs for providing its services and demonstrating transparency.
B9.3 The risks do not need to be entered in the Risk Register. Any financial implications to mitigate against these risks are considered above.

Legal Considerations

B10 What are the Legal Considerations:	
B10.1 There are no significant legal issues arising from this decision.	
This section has been approved by the following member of the Legal Team:	Please print name: ANGELA WAKEFIELD Please 

Sustainability Implications

B11 What are the Sustainability implications:
B11.1 The proposal would not result in an overall positive effect in terms of sustainability (including climate change and change adaptation measures). The positive/negative impacts are set out below:
B11.2 Positive (Opportunities/Benefits): There are no sustainability implications associated with this decision.
B11.3 Negative (Threats): None.

Health & Safety Implications

B12 What are the Health & Safety implications:
B12.1 A Risk Assessment has not been carried out and entered into Harriet for all significant hazards and risks because there are no significant hazards or risks arising from this decision.
B12.2 [The significant hazards and risks have been identified in the Harriett Risk Assessment numbered []. Any financial implications to mitigate against these hazards and risks are considered above.] N/A
B12.3 [Control measures and an action plan have been identified for any significant hazards and risks identified in the risk assessment. The positive/negative impacts are set out below] N/A
B12.3.1 Positive (Benefits) N/A
B12.3.2 Negative (Threats) N/A

Key Decision

B13 Is this a Key Decision?	No
<p>Note: A Key Executive Decision is one where:</p> <ol style="list-style-type: none"> 1. REVENUE – Any contract or proposal with an annual payment or saving of more than £100,000 2. CAPITAL – Any capital project with a value in excess of £150,000 3. A decision which significantly affects communities living or working in an area comprising two or more wards. 	
B13.1 If this is a Key Decision, is this an urgent decision such that a delay caused by use of the Call-in Procedure would <u>seriously</u> prejudice the public interest?	N/A
B13.2 If yes, has the Mayor or in his/her absence the Deputy Mayor or in his/her absence the Chair of the relevant Scrutiny Committee agreed that the decision will be exempt from Call-in?	N/A

NOTE: If this decision is subject to the Call-in Procedure it will come into force, and may then be implemented, on the expiry of 3 working days after publication – unless 10 Members of the Council call in the decision.

Please send the original signed document to andrea.davies@eaststaffsbc.gov.uk