SUBMISSION FROM COSLA

John Brownlie has been in contact over the evidence given by ScotHedge in connection with the High Hedges Bill at your Committee. I think there has been a misunderstanding, which I can’t identify the source of.

All COSLA has been asked about is if it was in favour of the bill, which we had confirmed that we were. COSLA supports the Bill as it was proposed, and was only concerned about the proportionality of it, and the fees and enforcement arrangements. My recollection is that Cllr Harry McGuigan has been neutral on the scope of the Bill with respect to Deciduous vs Evergreen, and believed that the approach being taken by Mark McDonald MSP is proportionate and correct. In our spoken discussions with the Bill sponsor the possibility of extending the current Bill at a later stage was always there, but we agreed that it doesn’t need to be entertained at this stage.

As far as I know there hasn’t been any written communications between us and any others on the Deciduous vs Evergreen since I took up post on May 2011. I have no idea about where the attributed policy position(s) to COSLA have come from. Executive Group Reports since I have been in post, only offer updates on where the Bill’s progress had got to and were approved with little comment, and were principally about the intention of the Bill and the fee structure.

As far as extending the Bill to go beyond evergreens, we would have to consult our members as we don’t have a position, and have not been asked for one in the past. It would not be possible to give you a position before late February.

From the 15 March 2012 meeting.

**High Hedges (Scotland) Bill.**

2. One of the legislative proposals from the Scottish Government was to bring forward measures providing a framework to deal with complaints about ‘high hedges’. These are being progressed by Mark McDonald MSP as a non-executive Bill. It will enable fees to be charged by local authorities in investigating these and for remedial action costs to be recovered.

3. The Local Government and Regeneration Committee has considered and approved the MSPs Statement of Reasons over why no further consultation is required in advance of the High Hedges (Scotland) Bill.

4. A concern from those pushing for the Bill has been that the there is a potential for local authorities to use fee income as a “revenue raising” provision, or to
put people off using the new arrangements. To prevent this, the fee charged for progressing a complaint would be limited on the face of the Bill to meet the costs of essentially providing that service. Given the experience in England and Wales with a small number of complaints this would at worst only ever have been a theoretical possibility. The draft Bill approach to charging is likely to reflect the fee provisions for registering properties in the Houses in Multiple Occupation (HMO) legislation. It is a combination of primary legislation, regulations and statutory guidance

5. Another matter is the recovery of costs that are incurred in enforcing a remedial notice. The Scottish Government are looking into the detail and how charges are recorded, to make sure that the owner is liable, what happens when ownership changes.

6. Lastly a meeting is taking place between the MSP and the Scottish Tree Officers Group on 14 March, to update them on current thinking and the progress being made on the draft Bill and to get their views. A factual briefing on the current position is being prepared. If Executive Group members are interested in receiving a copy, please let the COSLA Community Resourcing Team know.

From the August 2012 meeting

The High Hedges (Scotland) Bill

46. The Bill is a Members Bill that has Scottish Government support. The final proposal for the Bill was lodged in March 2012 and gained the support of 30 MSPs. The detail of the proposals can be found here. The next step is the introduction of the Bill, expected shortly, and it should conclude the Parliamentary processes next year. There has been ongoing engagement with COSLA through Anil Gupta, Chief Officer, Community Resourcing, and John Morrison, Legal Manager at Glasgow City Council. Recently the Scottish Government have sought advice on the Financial Memorandum with a note being prepared and circulated to local authority Finance Directors.

47. The Bill will enable individuals to apply to the local authority for a high hedge notice, to address the interference caused by certain high hedges. A fee will be payable by the applicant for the cost to the authority of making the decision. A high hedge notice, if issued, will advise what action is to be taken. This will be at the hedge owners cost. If this is not done, the local authority can do the work and recover costs from the owner. Despite the level of correspondence the issue of
high hedges might generate, experience shows this translates into only a small number of applications and very few enforcement actions.