



The Scottish Parliament
Pàrlamaid na h-Alba

LOCAL GOVERNMENT AND REGENERATION COMMITTEE

The Scottish Parliament's Local Government and Regeneration Committee has today, Friday 5 October 2012, launched a call for written evidence as part of its Stage 1 consideration of the [High Hedges \(Scotland\) Bill](#). This Bill was introduced into the Scottish Parliament, by Mark McDonald MSP, on Tuesday 2 October 2012.

Organisations and individuals are invited to submit written evidence to the Committee setting out their views on the provisions of the Bill. Those submitting evidence should feel free to address any, or all, of the policy issues contained in the Bill. A copy of the Bill, and its accompanying documents, are available on the Scottish Parliament's website at: <http://scottish.parliament.uk/parliamentarybusiness/Bills/55315.aspx>

Committee's call for evidence

The Committee invites all interested parties to submit written evidence on the Bill, setting out your views on the provisions of the Bill. The closing date for receipt of submissions is **6pm on Thursday 29th November 2012**.

It would be helpful if written submissions could address the following questions:

1. Do you agree with the definition of a high hedge as set out in the Bill? If not, please provide details;
2. Do you consider that other forms of vegetation should be covered by the provisions of the Bill? If so, please specify why?
3. Do you have any comments on the proposed approach to dispute resolution as set out in the Bill?
4. Do you have any comments on the enforcement procedures proposed under a high hedge notice?
5. Do you have any comments on the proposed fees and costs?
6. Are there any aspects of the systems used in other jurisdictions which should be included within this Bill?

7. Are there any aspects of this Bill which would impact positively or negatively on equality of opportunity?
8. Any other issues relating to the Bill which you wish to bring to the attention of the Committee?

How to submit your evidence

Submissions should be limited to no more than eight pages of A4. Responses should be sent, **wherever possible, electronically** and in MS Word format to the following email address: highhedgesbill.lgrc@scottish.parliament.uk

Before submitting your evidence please read the Parliament's policy on treatment of written evidence by subject and mandatory committees (see below).

Responses can also be sent by post to:

Clerk to the Local Government and Regeneration Committee
Committee Office
Room T3.60
Scottish Parliament
Edinburgh EH99 1SP

The closing date for receipt of submissions is **6pm on Thursday 29th November 2012.**

Purpose of the Bill

The Policy Memorandum which accompanies the Bill states that the principal policy objective of the Bill is "to provide a solution to the problem of high hedges which interfere with the reasonable enjoyment of domestic property".

In summary, the Bill seeks to do this by:

- defining a high hedge as one which is wholly or mainly formed by a row of two or more evergreen or semi evergreen trees or shrubs which is over two metres in height and forms a barrier to light;
- providing an effective means of resolving disputes over the effects of a high hedge where the issue has not been able to be resolved amicably between neighbours. It does so by giving home owners and occupiers a right to apply to a local authority where it is considered a high hedge is affecting the enjoyment of their property, and empowers local authorities to make and enforce decisions in relation to high hedges;
- enabling a local authority to issue a high hedge notice where, having taken all the circumstances into account, it finds that a hedge is having an adverse effect. A high hedge notice may require a hedge owner to take action to remedy the problem and prevent it recurring;

- making provision for both the applicant and the hedge owner to appeal against a decision to issue/not issue a high hedge notice;
- providing local authorities with the power to undertake the work specified in a high hedge notice, if the notice is not complied with by the hedge owner within the time specified;
- The Bill enables local authorities to recover the costs of any such enforcement from the hedge-owner and to charge a fee for applications for a high hedge notice.

For further information please see the Policy Memorandum which details the provisions of the Bill in full: http://scottish.parliament.uk/S4_Bills/Justice-Terrorism%20Prevention%20Bill/b16s4-introd-pm.pdf

For Committee information, contact:

Seán Wixted: 0131 348 5223
sean.wixted@scottish.parliament.uk

Fiona Mullen: 0131 348 5237
fiona.mullen@scottish.parliament.uk

David Cullum: 0131 348 5217
david.cullum@scottish.parliament.uk

For media information, contact:

Sally Coyne: 0131 348 6265
sally.coyne@scottish.parliament.uk

Policy on treatment of written evidence by subject and mandatory committees

This information lets you know how committees of the Scottish Parliament will deal with any information sent in response to calls for evidence and any subsequent correspondence.

Most people who submit evidence want it to be put in the public domain. In addition, the committees of the Scottish Parliament are committed to being open in their dealings in accordance with the Scottish Parliament's founding principles.

Our normal practice is to publish relevant evidence that is sent to us on our website and we may also include it in the hard copy of any committee report. **Therefore, if you wish your evidence to be treated as confidential, or for your evidence to be published anonymously, please contact the Clerk to the Committee before you submit your evidence.**

You should be aware that it is for the relevant Committee to decide whether the evidence can be accepted on the basis that it will be seen in full by the Committee but will not be published, or will be published in edited form or anonymously. See section on "Freedom of Information (Scotland) Act 2002" below.

There are a few situations where we do not publish all the evidence sent to us. This may be for practical reasons or for legal reasons. Examples of practical reasons are where the number of submissions we received does not make this possible or where we receive a large number of submissions in very similar terms. In that case, we would normally publish only a list of the names of people who have submitted evidence.

In addition, there may be a few situations where we may not choose to publish your evidence or have to edit it before publication for legal reasons.

Data Protection Act 1998

The Parliament must comply with the Data Protection Act 1998. This affects what information about living people we can make public.

When we publish your evidence, we will not publish your signature or your personal contact information (like your home telephone number or your home address).

We may also have to edit information which can identify another living person who has not specifically given their consent to have their information about them made public.

In these situations, committee members will have access to the full text of your evidence, even though it has not been published in full.

If you consider that evidence that you plan to submit may raise issues concerning the Data Protection Act, please contact the Clerk to the Committee before you submit your evidence.

Potentially defamatory material

Typically, the Parliament will not publish defamatory statements or material. If we think your submission contains potentially defamatory material, typically we will return it to you with an invitation to substantiate the comments or remove them. In these circumstances, if the evidence is returned to us and it still contains material which we consider may be defamatory, it may not be considered by the Committee and it may have to be destroyed.

Freedom of Information (Scotland) Act 2002

The Parliament is covered by the Freedom of Information (Scotland) Act 2002. This also affects the way that we deal with your evidence.

As stated above, if you wish your evidence to be treated as confidential, or for your evidence to be published anonymously, please contact the Clerk to the Committee, before you submit your evidence.

In particular, you should be aware that if we receive a request for information under the Freedom of Information (Scotland) Act 2002, we may be legally required to release the information to the person who has made the request – even where the Committee has agreed to treat all or part of the information in confidence

So, in the circumstances outlined above, while we can assure you that your document/name will not be circulated to the general public in the context of the Committee's current work, we are unable to give you a guarantee that the document will never be released.