

Please return form to:

**Tree Team
Planning Services
Seaclose
Fairlee Road
Newport
Isle of Wight
PO30 2QS**

Tel. 01983 823893
trees@iow.gov.uk



For Office Use Only	
Reference No.	
Parish/Town	
Ward	
Councillor	
Fee Paid	
Receipt Number	
Acknowledged	
Due date	

COMPLAINT FORM: HIGH HEDGES

Use this form to submit a complaint to the council about a high hedge, under Part 8 of the Anti-Social Behaviour Act 2003. It should be completed by the person making the complaint or their representative.

Before completing this form please read the guidance notes sent with it and the leaflet "*High Hedges: complaining to the council*". Please use BLOCK CAPITALS and black ink.

You must pay a fee when you return your completed form. The fee is £340. This may be subject to discretionary discounts or refunds. A 50% discount is offered for those on one or more means-tested benefits, which for this purpose, are defined as follows:

- Council Tax Benefit;
- Income based Jobseeker's Allowance;
- Housing Benefit;
- Income Support or Guarantee Credit.

Please contact this office to discuss the fee if you are in any doubt.

In order to process your complaint effectively, please make sure that the information you provide is clear and accurate. Before you complete any of the form, please answer the following questions by ticking 'YES' or 'NO'.

Is the hedge – or the portion that is causing problems – made up of a line of two or more trees or shrubs?	YES	NO
Is the hedge mostly evergreen or semi-evergreen? (See the guidance notes and leaflet).	YES	NO
Is the hedge more than two metres (6'7") above ground level?	YES	NO
Even if there are gaps in the leaves or between the trees, does the hedge obstruct light or views?	YES	NO
Is the hedge growing on land owned by someone other than the person complaining?	YES	NO
Does the person complaining own or occupy (e.g. as owner or tenant) the property affected by the hedge?	YES	NO
Does anyone live in the property which is affected by the hedge?	YES	NO

If you have answered 'NO' to any of the above questions the council cannot consider the complaint.

1. THE PEOPLE INVOLVED

1.1 Name and address of person complaining. This person will be our main contact on all matters relating to this complaint. All enquiries and correspondence will be directed to them.			
Name			
Address			
Post Code			
Daytime Telephone Number			
Fax Number			
Mobile Telephone Number			
Email			
The council should use these details to contact me about this complaint.	YES	NO	
I agree that the council can contact me about this complaint using the above email address*.	YES	NO	
*The council will only send documents to you electronically with your consent.			

1.2 If you are filling out this form on behalf of someone else, put your contact details here. If you are the person complaining you should leave this box blank.			
Name			
Address			
Post Code			
Daytime Telephone Number			
Fax Number			
Mobile Telephone Number			
Email			
Relationship to person complaining			
The council should use these details to contact me about this complaint.	YES	NO	
I agree that the council can contact me about this complaint using the above email address*.	YES	NO	
*The council will only send documents to you electronically with your consent.			

1.3 Address of property affected by the hedge and name of person living there, if different from question 1.1			
Name			
Address			
Post Code			
Daytime Telephone Number			
Fax Number			
Mobile Telephone Number			
Email			

1.4 Address of property where hedge is growing and name of person living there (if known).	
Name	
Address	
Post Code	
Daytime Telephone Number	
Fax Number	
Mobile Telephone Number	
Email	

1.5 Name and address of the person who owns the property where the hedge is situated, if different from question 1.4 and if known.	
Name	
Address	
Post Code	
Daytime Telephone Number	
Fax Number	
Mobile Telephone Number	
Email	

DATA PROTECTION ACT 1998

This application may be monitored by the Isle of Wight Council for regulatory, quality control or crime detection purposes. Information from this application will be processed in accordance with the Data Protection Act 1998 for the purpose of processing your particular enquiry/request. The Isle of Wight Council ("the Council") is the data controller. By completing this form you consent to the Council contacting you by email or nominated contact method in relation to your enquiry/request unless you have indicated otherwise.

The information contained in this application may, in exceptional circumstances, be subject to disclosure to third parties under either the Data Protection Act 1998 or the Freedom of Information Act 2000 to the extent the law allows and in accordance with the Isle of Wight Council's Access to Information Policy. Disclosure will only be made where in all the circumstances it would be fair to do so and in the public interest.

Please note that the Council may process your information in the absence of consent for the purpose of crime prevention or detection so far as is in accordance with the law.

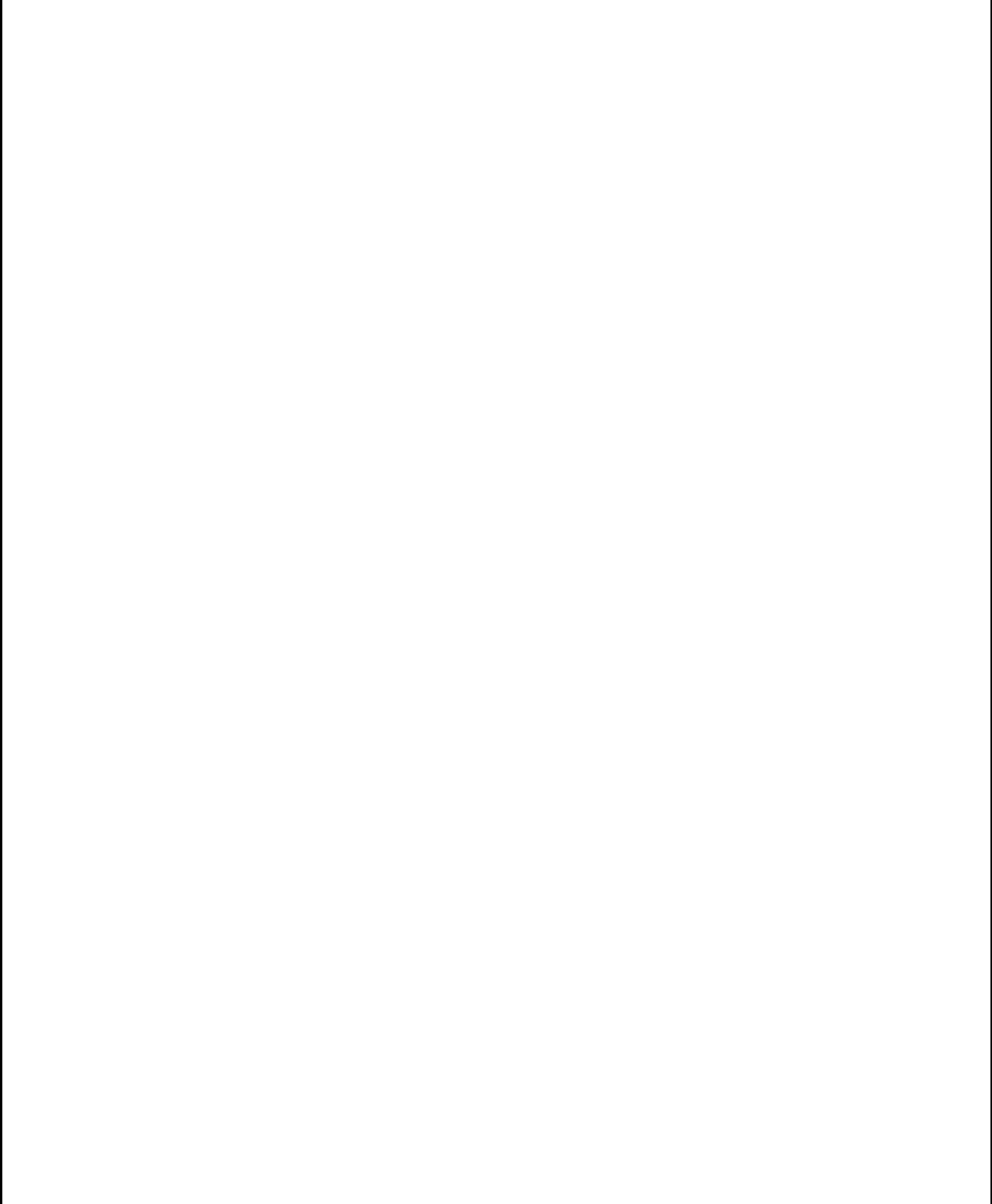
To improve the quality of other services that we provide to you the Council wishes to hold your non-sensitive personal information on a secure central database. This will enable all Council services to use this information when they are providing a service to/for you. If you do not wish your non-sensitive personal information to be held by the Council please tick this box

2. GROUNDS OF COMPLAINT

2.1 Describe the problems that you have because of the hedge and say how serious they are. Be sure to read the guidelines carefully first. It will save time and help your case if you stick to the facts and provide all relevant information and evidence to back up the points you are making.

Large rectangular area with horizontal dashed lines for writing.

2.2 To help the council understand the situation, you must provide a photograph of the hedge and a plan or sketch of both the site where the hedge is growing and the property it is affecting, with the hedge clearly marked. Draw the plan in the box below or attach it separately. Write your name and the date taken on the back of any photographs. If you wish to submit your photographs digitally they can be on a CD or emailed.



3. PREVIOUS COMPLAINT/S TO THE COUNCIL

3.1 As far as you know has a written complaint ever been made to the council before about this hedge (not including any sent before 1st June 2005)?		YES	NO
If you have ticked 'YES' please provide the date of the council's decision and the letter reference number. If you do not know what these are you should, if you can, enclose a copy of the council's last letter about this old complaint. If you have ticked 'NO' please go straight to section 4.			
Date		Reference Number	

3.2 Name and address of the person who made the previous complaint if different from question 1.1.	
Name	
Address	
Post Code	
Daytime Telephone Number	
Fax Number	
Mobile Telephone Number	
Email	

3.3 What has changed since the council's decision?

If nothing has altered since the last complaint the council might not make a different decision on this new complaint.

4. ATTEMPTS TO RESOLVE THE COMPLAINT

Please describe what has been done to try and resolve the matter in the last 4 months. Give dates and say what the outcome was. You do not have to provide information about negotiations which happened more than 4 months ago as these will not normally be considered. Please provide copies of any documents that are mentioned. If you do not have enough room, please use a separate sheet.

4.1 Attempting to discuss the problem with the hedge's owner.

4.2 Writing to the hedge owner.

4.3 Informing the hedge's owner of your intention to complain to the council.

4.4 Anything else (e.g. offering to share the cost of the work).

5. PAYING THE FEE

You will need to give a copy of pages 1 to 7 of this High Hedges Complaints Form to your neighbour. However, you do not need to copy this page to give to your neighbour.

The full fee is £340. If someone on the Register of Electors living in the affected property is in receipt of one or more means-tested benefits the discounted fee is £170. Please tick the correct box below and supply details if applicable.

Means-tested benefits for this purpose are defined only as follows:

- Council Tax Benefit
- Income based Jobseeker's Allowance
- Housing Benefit
- Income Support or Guarantee Credit.

You will need to provide supporting documents for benefits if you are claiming any discount.

If you wish to pay the discounted fee you must supply copies of documents to show that the person named in 4.3 is entitled to claim the benefit named in 4.4, and lives at the address at 1.1 or 1.3. For example, a letter from the Council addressed to the person at that address, and mentioning their housing benefit. The amount of benefit is not important - the Council only needs to see proof that the person at that address gets the benefit. If you are not sure what documents to supply please contact us to discuss it. After your complaint is submitted the council may make independent checks to verify this information including a check on the Register of Electors, and may require to see original documents. Document and copies relating to benefits will be kept confidential and not revealed to the hedge's owner.

Please make cheques payable to 'Isle of Wight Council'.

5.1 I enclose the full fee of £340. Please tick box and go to Section 6.	<input type="checkbox"/>
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5.2 I enclose the discounted fee of £170 because someone on the Register of Electors living in the affected property is in receipt of one or more of the above means-tested benefits. Please tick box and go to Section 5.3.	<input type="checkbox"/>
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5.3 Full name of person in receipt of benefit.	
Name	
Name of benefit/s.	
List of documents supplied showing evidence of receipt of benefit/s.	

6. SUPPORTING DOCUMENTS

Are the following enclosed? Your application may be returned if there is insufficient supporting documentation. Please tick the boxes.

6.1 A photograph of the hedge.	
6.2 A location plan of the hedge and surrounding properties.	
6.3 Copies of correspondence with the hedge's owner (or their representative) about the hedge.	
6.4 Copies of any other documents that are mentioned in this form.	
Please list these documents below and continue on a separate sheet if necessary.	

7. SENDING THE COMPLAINT

7.1 I confirm that I have sent a copy of this completed form and all supporting documents (except payment details in Section 5) to all of the people identified in section 1, including the hedge's owner.			
Date sent		Sent by (print name)	

7.2 I confirm that I have completed as much of this form as I can and that, to the best of my knowledge, the information provided is accurate. I confirm that all copies of documents supplied are accurate and that I will, if requested, supply the originals.	
Signature	
Print Name	
I am signing on behalf of (print name of person complaining if you are filling in this form on their behalf)	
Date	

Please send the completed form, the fee and copies of all supporting documents to the address on page 1 of this form. Do not send original documents. You are advised to keep a copy of the entire form for your own records.

If you have any questions about completing this form please contact the Applications Officer on 01983 823893 or trees@iow.gov.uk.

This form is available in Braille, large print, tape and community languages from the address on page 1.

7. WHAT HAPPENS NEXT?

Registering the complaint

An acknowledgement letter will be sent once the council has received and accepted the form. Before this happens we may write back to you asking for more information if your form has not been correctly filled in or if you have not enclosed the right documents.

How long will it take?

There is no time given in the regulations to resolve a complaint. The council will try to provide a decision in a reasonable time, and will treat all complaints equally on a first come, first served basis. In the first year of the regulations there may be some delays especially if lots of people complain at the same time. You should expect to wait **at least four months** for a decision, and if many complaints are received your complaint may take **considerably longer** to resolve.

Refunds

If you can, you should continue to negotiate with the hedge's owner. Once a complaint has been made they might change their mind about the hedge. If you are able to withdraw the complaint before the Council has made a decision, you may be entitled to a refund of up to 75% of your fee. If you do not withdraw the complaint no refund will be offered, whatever the council decides.

If you want to withdraw the complaint, let the council know straight away. The sooner you inform us, the more refund you could get. Refunds are discretionary – this means that the council does not have to offer any refund by law. However, the council wants to encourage hedge owners and people complaining to continue to negotiate even after the complaint has been made. That is why refunds are normally offered to anyone withdrawing a complaint before it is decided. Refunds are paid to the person who paid the original fee.

Schedule of refunds:

- 75% of fee paid to be refunded if the complaint is withdrawn before any letters have been sent by the Council.
- 25% of fee to be refunded if the complaint is withdrawn within 28 days of dispatch of initial letters by the council.
- 10% of fee to be refunded if the complaint is withdrawn at any time after 28 days from dispatch of initial letters and before any decision letter is sent.
- No refunds are offered after the decision letter has been sent.

More information about High Hedges can be found on the council's website at www.iwight.com/countryside/hedges including a downloadable version of this form.

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