

Cheltenham Borough Council

Cabinet – 17 December 2024

Fencing, Hedgerows and Boundary Policy

Accountable member:

Cllr Flo Clucas, Cabinet Member for Housing and Customer Services

Accountable officer:

Paul Leo, Interim Housing Transformation Director

Ward(s) affected:

All

Key Decision: No

Executive summary:

The Fencing, Hedgerows and Boundary policy broadly sets out how Cheltenham Borough Council (CBC) will address the repairs, maintenance and renewals of existing boundary fencing. It sets out how we will respond to boundary issues raised by our tenants and others residing in adjacent properties.

The policy was considered by the Cabinet Housing Committee on 13 November who recommend it to cabinet for approval subject to it being reviewed in 1 year rather than 4 years, during which time the following should be carried out:

- The position on hedging should be reviewed so that it is on more equal terms with fencing.
- A cost benefit analysis of hedging vs fencing is carried out.
- Opportunities are explored which would enable the council to provide tenants with more support on how to manage and maintain hedges themselves so that the biodiversity benefits can be realised.
- The climate assessment is reviewed.

Recommendations: That Cabinet:

- 1. approves the Fencing Policy;**

2. notes that the policy will be reviewed in one year;
 3. requests that during the review period officers carry out the actions set out in 5.2 of this report.
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1 Implications

1.1 Financial, Property and Asset implications

Budgetary provision was made in the HRA budget 24/25 proposals presented for Council approval in Feb 24, with a projection of budgetary requirements for the following two years. The HRA 30-year plan includes for investment in repairs and if necessary, renewal of these components. For future years no orders committing to spend will be raised until budget approval has been given on an annual basis.

Signed off by: Gemma Bell, Director of Finance and Assets,
gemma.bell@cheltenham.gov.uk

1.2 Legal implications

In dealing with any fences between CBC land and privately owned land, the Council should be aware of the provisions of the Party Walls etc Act 1996 and in particular the requirement to serve notices before carrying out any work to party structures. One Legal can provide further advice on individual cases if required.

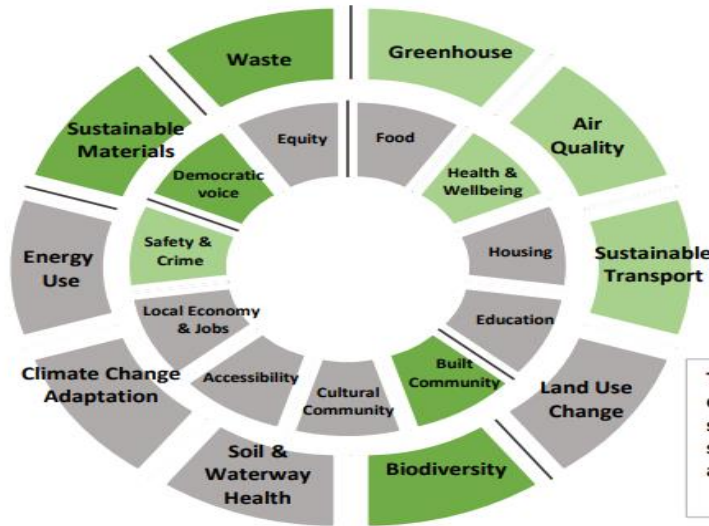
It would also be advisable to enter into agreements with adjoining landowners regarding ongoing maintenance to avoid questions of future liability.

Signed off by: One Legal (Sian Cheetham, Sian.Cheetham@onelegal.org.uk)

1.3 Environmental and climate change implications

This policy reduces negative environmental implications by adopting a 'Repair First' approach, which is a more sustainable, holistic practice over unnecessary renewal. By utilising this approach it follows good waste management practice, by maximising longevity of existing fences through repair. The protection of hedges, shrubs, bushes, and trees is also promoted, whereby tenants are encouraged to maintain existing and plant new hedgerows, instead of using fencing wherever practicable. Minimising further negative impacts on wildlife has been considered, for example gaps will be left at the base of fencing to allow wildlife (Hedgehogs etc) to roam freely. Assessment Table below with full report in Appendix 3.

Fencing, Hedgerows and Boundary Policy



Key	
	Significant and/or long-term positive impact identified. No changes needed.
	Slight or short-term positive impact identified. No changes needed but could be reviewed to improve.
	Not applicable or no cause for concern.
	Slight or short-term negative impact identified. Review to identify possible improvements.
	Significant and/or long-term negative impact identified. Changes needed before proceeding.

This summary of the CIAT should be used to aid your decision making. Please note that red/amber segments simply mean that mitigations and changes should take place not that the project cannot go ahead.

Signed off by: Maizy McCann, Climate Emergency Officer,
maizy.mccann@cheltenham.gov.uk

1.4 Corporate Plan Priorities

This report contributes to the following Corporate Plan Priorities:

- Working with residents, communities and businesses to help make Cheltenham #netzero by 2030
- Ensuring residents, communities and businesses benefit from Cheltenham’s future growth and prosperity
- Being a more modern, efficient and financially sustainable council

1.5 Equality, Diversity and Inclusion Implications

An equalities impact assessment screening questionnaire has been completed and is attached at Appendix 2.

1.6 Performance management – monitoring and review

The policy will be reviewed in 1 year with performance being monitored every quarter. The performance reviews will include tracking of customer satisfaction, complaints and compliments and expenditure against budget.

2 Background

- 2.1 The current Tenant Handbook states “we will only repair fences that are connected to public land, intermediate fences between properties will be posts with strands of wire”. However, the standard of posts with three stands of wire does not meet our customers' expectations and, historically this has not been adhered to, with concrete posts and chain link fencing becoming the minimum standard and, furthermore, a plethora of other fence types have been erected by us, by our tenants and by others in adjacent properties. The situation has been further complicated with the introduction of timber fencing being used for newly developed property and repairs having been completed to all types of fences and not just those connected to public land as stated in the Tenant's Handbook.
- 2.2 The current situation has arisen over many years and is not something that can be rectified quickly, however, the new policy sets out an aspirational long-term position and provides the means for more control over what happens now and going forwards. It will provide staff with the guidance they need when delivering services and will ensure that our tenants are fully informed about the approach we will take.
- 2.3 In terms of funding, there is insufficient budget in the HRA for a full fencing renewal programme, however, the numbers support an annual programme of replacement to the value of £150K -£300K per Annum. Therefore, the policy sets out a repairs first approach with renewals only to be programmed where fencing is beyond repair and where budget is available.

3 Reasons for recommendations

- 3.1 To standardise the approach to repairs, maintenance and renewals of fencing, hedgerows and boundary renewals across CBC estates.
- 3.2 To provide clear guidance to staff and tenants and residents.
- 3.3 To set out CBC's aspirations for improvements in standards and acknowledge the importance of biodiversity on our estates.
- 3.4 To enable the actions requested by the Cabinet Housing Committee to be carried out.

4 Alternative options considered

- 4.1 None, although cabinet could decide not to approve the policy.

5 Consultation and feedback

5.1 The fencing policy was developed after cross-team consultation and following review by Tenant Panel it was amended accordingly. The policy sets out a standard approach that will be affordable and that can be easily followed by staff and explained to tenants. It will facilitate incremental improvements and renewals on our estates which should in turn be reflected with improved customer satisfaction.

5.2 The policy was considered by the Cabinet Housing Committee on 13 November who recommend it to cabinet for approval subject to it being reviewed in 1 year rather than 4 years, during which time the following should be carried out:

- The position on hedging should be reviewed so that it is on more equal terms with fencing.
- A cost benefit analysis of hedging vs fencing is carried out.
- Opportunities are explored which would enable the council to provide tenants with more support on how to manage and maintain hedges themselves so that the biodiversity benefits can be realised.
- The climate assessment is reviewed.

6. Key risks

6.1 A risk assessment has been completed and it attached at Appendix 1.

Report author:

Paul Leo, Interim Housing Transformation Director

Appendices:

- i. Risk Assessment
- ii. Equality Impact Assessment – Screening
- iii. [Climate Change Impact Assessment](#)
- iv. Fencing, Hedgerow and Boundary Policy

Background information:

Cabinet Housing Committee report dated 13 November and associated minutes: [Agenda for Cabinet Housing Committee on Wednesday, 13th November, 2024, 6.00 pm - Modern Council](#)

Appendix 1: Risk Assessment

Risk ref	Risk description	Risk owner	Impact score (1-5)	Likelihood score (1-5)	Initial raw risk score (1 - 25)	Risk response	Controls / Mitigating actions	Control / Action owner	Deadline for controls/ actions
1	Without a policy in place there is a risk that we are unable to manage the expectations of our tenants resulting in complaints	Head of Busing Services	2	3	6	Reduce the risk	Introduce Policy	Head of Building Services	Dec 2024
2	Without a policy in place there is a risk that our services will be inconsistent thereby resulting in confusion amongst staff and contractors	Head of Building Services	3	3	9	Reduce the risk	Introduce policy and make sure staff are aware of its existence	Head of Building Services	January 2025
3	Without a policy in place there is a risk that we will not be able to maximise opportunities for increased biodiversity	Head of Building Services	2	3	6	Reduce the risk	Introduce policy and make sure staff are aware of its existence and publicise so tenants also become aware of it	Head of Building Services	January 2025
4.	Without a policy in place there is a risk that we will not be able to realise opportunities to minimise CBC's carbon footprint	Head of Building Services	2	3	6	Reduce the risk	Introduce policy and make sure staff are aware of its existence	Head of Building Services	January 2025

Appendix 2: Equality Impact Assessment

1 Identify the policy, project, function or service change

a. Person responsible for this Equality Impact Assessment

Officer responsible: Mark Way / Debbie Copeland	Service Area: Housing
Title: Head of Building Services / Planned Maintenance Manager	Date of assessment: 11/09/24
Signature: M Way / D J Copeland	

b. Is this a policy, function, strategy, service change or project?

Policy

If other, please specify:

c. Name of the policy, function, strategy, service change or project

Fencing, Hedging and Boundary Policy

Is this new or existing?

New or proposed

Please specify reason for change or development of policy, function, strategy, service change or project

d. What are the aims, objectives and intended outcomes and who is likely to benefit from it?

Aims:

The aim of this policy is to provide guidance to all staff and customers about our approach to fencing to our customers' homes including CBC's obligations for repair and replacement.

Objectives:

To clearly set out the obligations of the landlord (Cheltenham Borough Council) and the obligations of tenants and leaseholders.

- To provide clarity for CBC staff, tenants and leaseholders through a document which clearly defines the type and standard of fencing adopted when renewal is required.
- To set out and define the principle of a "Repairs First" approach to maximise the longevity of existing boundary fences and thus make the renewal of fences to a higher standard affordable when renewal is required.
- To set out a standard approach where fences need renewal that will meet tenant expectation, reduce complaints, improve security and aesthetics, and simplify future repairs with a combined effect of improving efficiency and increasing tenant satisfaction
- To provide a means by which disputes and complaints can be resolved through the application of this policy

Outcomes: as:

The policy will ensure compliance with the Regulatory Framework for Social Housing in England as adopted by the Regulatory of Social Housing, outlined as:

- Repairs and Maintenance

	<ul style="list-style-type: none"> ○ Registered providers are required to: <ul style="list-style-type: none"> ○ Provide a cost-effective repairs and maintenance service to homes and communal areas that respond to the needs of, and offers choices to, tenants, and has the objective of completing repairs and improvements right first time. ○ Meet all applicable statutory requirements that provide for the health and safety of the occupants of their homes. ● Understanding and responding to diverse needs of tenants <ul style="list-style-type: none"> ○ Registered providers are required to: <ul style="list-style-type: none"> ○ Treat all tenants with fairness and respect ○ Demonstrate that they understand the different needs of their tenants, including in relation to the equality standards and tenants with additional support needs. ● Neighbourhood management <ul style="list-style-type: none"> ○ Registered providers are required to: <ul style="list-style-type: none"> ○ Keep the neighbourhood and communal areas associated with the homes that they own clean and safe. They shall work in partnership with their tenants and other providers and public bodies where it is effective to do so.
Benefits:	By following this policy staff will be consistent and fair when dealing with fencing, hedging and boundaries

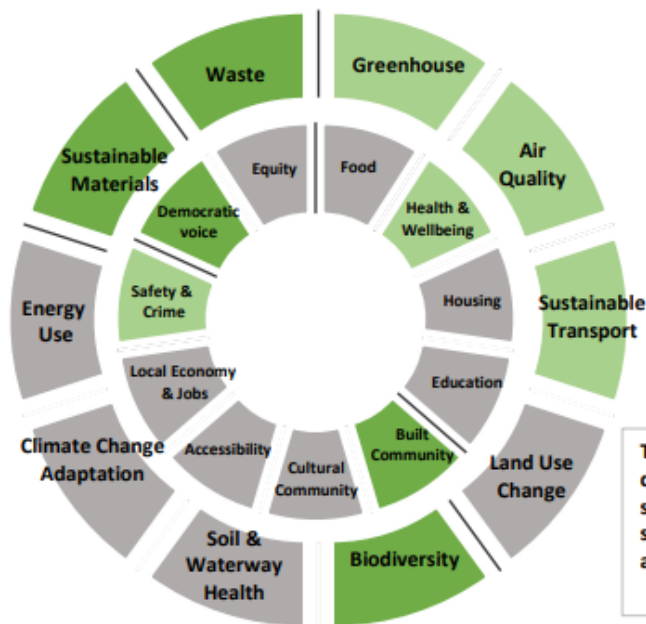
e. What are the expected impacts?	
Are there any aspects, including how it is delivered or accessed, that could have an impact on the lives of people, including employees and customers.	Yes
Do you expect the impacts to be positive or negative?	Positive
Please provide an explanation for your answer: Potential positive impacts but not specifically in relation to any of the protected characteristics.	
The policy will set out a standard approach where fences need renewal that will meet tenant expectation, reduce complaints, improve security and aesthetics, and simplify future repairs with a combined effect of improving efficiency and increasing tenant satisfaction	

If your answer to question e identified potential positive or negative impacts, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

f. Identify next steps as appropriate	
Stage Two required	No
Owner of Stage Two assessment	
Completion date for Stage Two assessment	

Appendix 3: Climate Change Impact Assessment

Fencing, Hedgerows and Boudary Policy



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Environmental	Scores	Justification
GHGs	2	Plans are in place to transition the fleet used for activities associated within this policy, away from diesel and to Electric or HVO. By utilising a 'Repair First' approach this also reduces the amount of waste and therefore the amount of products being purchases and thier associated embodied carbon.
Air quality	2	Please see section 1D. By encouraging tennants to plant and maintain hedges, shrubs, bushes, and trees used as boundaries, this will also improve localised air quality.
Sustainable Transport	2	As 1D above
Land use change	0	Policy applies to repairs and renewal of existing fences to domestic properties

Biodiversity	4	This policy aims to minimise further negative impacts on wildlife for example gaps will be left at the base of fencing to allow wildlife (Hedgehogs etc) to roam freely. Tenants are encouraged to maintain existing, and plant new hedgerows when practical, providing habitat for biodiversity.	
Soil and waterway health	0	0	
Climate Change Adaptation	0	0	
Energy Use	0	0	
Sustainable Materials	4	The Repair First' approach minimises primary material need, increasing the sustainability.	
Waste	4	Through forming this policy, it provides a framework which reduces unnecessary renewal of fencing, when repairs can be utilised instead, which will have a positive impact on waste.	

Social	Scores	Justification	
Food	0	Policy sets out approach to repair and renewal of fences in domestic properties.	
Health	2	CBC recognises that fencing is an important issue to tenants and believes, good fences make for better neighbours, and that good fencing can make a positive difference to the look and feel of neighbourhoods as well as improve security and safety.	
Housing	0	0	
Education	0	0	
Community	8	Policy supports biodiversity aspirations through preference towards hedgerows rather than fencing, and sets out a framework for improving facilities.	
Culture	0	0	
Accessibility	0	See 1D	
Local Economy and Jobs	0	0	
Safety	2	Secure boundaries can increase security and sense of safety, whilst also acting as a deterrent.	
Equity	0	0	

Democratic Voice	4	This policy has been formed in consultation with other teams, who provided feedback from tenant complaints.	
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