

CABINET – 26 JANUARY 2021

PROCEDURAL MATTERS

Public Questions

Question (1): Mr Paul Kennedy

How many reports have been received in response to Surrey County Council's new service for reporting breaches of COVID-19 regulations?

Reply:

Thank you for your question.

As of 21 January 2021, we have had 19 different reports notifying us of a total of 31 different breaches through the new online reporting service. The reporting form went live on the late afternoon of Thursday 12 January 2021, so operational for just over a week.

- Types of breaches being identified through this route so far include:
- Businesses open and trading when they should be closed
- Staff and / or customers not wearing face masks
- Breaches of social distancing guidance
- Workers threatened with dismissal if they self-isolate
- Workers who have tested positive continuing to work
- Alcohol sold as part of take away meal

We continue to get reports of breaches from other routes. For example, in the period 19 December 2020, when the latest lockdown started, until 11 January 2021, we had received 51 reports notifying us of breaches. The new online reporting is an addition to other routes to complain about breaches.

Mr Tim Oliver
Leader of the Council
26 January 2021

Question (2): Ms Elizabeth Daly

A Bookham resident recently notified me that they had received an enforcement notice under section 154 of the Highways Act 1980 for an overgrown hedge which had been reported 5 months earlier, even though the hedge had in fact been cut back promptly in response to the initial report.

How many such reports were received last year, how many enforcement notices were issued, what was the average delay between Surrey County Council receiving the initial report and issuing an enforcement notice, and, when there is a delay, what steps have been taken to confirm that the evidential basis for such enforcement notices remains valid?

Reply:

It is the responsibility of property / landowners adjacent to the public highway to ensure that vegetation does not encroach on the highway from their land. Most property owners/

landowners are responsible and ensure that their boundary is always maintained. Unfortunately, where it is not this can create an obstruction which impacts on people legitimately using the public highway. This can be especially hazardous for those with visual or mobility impairments. The County Council would much prefer to not have to undertake any enforcement but unfortunately this is sometimes needed.

Problems are either reported to us by the public or noted by Highways Officers. The normal process (prior to the current pandemic) is if possible, for a Highway Officer to informally approach the property owner and ask that they cut the vegetation back. In most cases that is the end of the matter. However, if the owner is unavailable or does not act, Officers serve something known as a Section 154 notice (via a card). Photographs are taken as a record. This requires action to be taken in 14 days. Officers will undertake an inspection after 14 days and if necessary, a follow up letter will be sent. It is only if action is still not taken that we will instruct our legal team to start formal proceedings. In 2020 our legal team had to become involved 24 times. There can be a delay depending on work priorities of our legal team, but if a resident makes contact with us (the S154 card and letter explains how) checks will be undertaken and any proceeding stopped, and the matter closed.

In 2020 we logged 12,291 enquires related to trees and vegetation. Of these 3,548 specifically stated overgrown vegetation and a further 2,967 as a related safety hazard. It is not possible to say how many S154 notices were issued, as our system cannot search for this and many of the enquires may not have needed enforcement action. As explained enforcement is a last resort and we never knowingly undertake enforcement on an owner who adequately maintains their boundary.

Mr Matt Furniss
Cabinet Member for Transport
26 January 2021