

# EXECUTIVE BOARD

26<sup>TH</sup> JULY, 2016

## SUBJECT:

### JAPANESE KNOTWEED AND OTHER INVASIVE NON-NATIVE PLANTS

#### RECOMMENDATIONS / KEY DECISIONS REQUIRED:

- That the Authority will not be responding to or taking any formal action with regards to requests on private properties regarding Japanese Knotweed and other invasive non-native plants.
- The Authority will sign-post customers to the guidance available on the Department for Environment, Food and Rural Affairs Website with regards to how to remove and safely dispose of such plants.
- The Authority will continue to implement its programme of control of invasive non – native plants on its property.
- That the Authority makes representations to the WLGA regarding the need for additional funding for Local Authorities to control invasive plants.

#### REASONS:

- The presence of Japanese Knotweed and invasive non-native plants is not considered to be a public health issue.
- There have been no additional resources accompanying the associated legislation (The Anti-Social Behaviour, Crime & Policing Act 2014). In the event that the section is required to taking formal action with the current capacity, consideration will have to be taken of relinquishing other statutory functions currently being carried out which will have public health implications.
- The Home Office Guidance suggests that Community Protection Notices can be used: there is no legal requirement for their use.

Relevant scrutiny committee to be consulted: **NO**

Exec Board Decision Required **YES – 26<sup>th</sup> July, 2016**

Council Decision Required **NO**

#### Executive Board Member Portfolio Holder:

Cllr. J. Jones (Environment & Public Protection Portfolio Holder)

<b>Directorate</b> <b>Communities</b> <b>Name of Head of Service:</b> Robin Staines <b>Report Author:</b> Sue Watts	<b>Designations:</b> <b>Head of Housing, Public Protection and Provider Services</b> <b>Environmental Health and Licensing Manager</b>	<b>Tel Nos.</b> <b>E Mail Addresses:</b> 01267 228960 <a href="mailto:RStaines@carmarthenshire.gov.uk">RStaines@carmarthenshire.gov.uk</a> 01267 228929 <a href="mailto:sewatts@carmarthenshire.gov.uk">sewatts@carmarthenshire.gov.uk</a>
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**EXECUTIVE SUMMARY**  
**EXECUTIVE BOARD**  
**DATE: 26<sup>TH</sup> JULY, 2016**

**JAPANESE KNOTWEED AND OTHER INVASIVE NON-NATIVE PLANTS**

**Background**

The Anti-Social Behaviour, Crime & Policing Act 2014 introduces major changes to the powers available to tackle anti-social behaviour problems. It was introduced by Government with no additional resources for implementation.

The powers of the Anti-Social Behaviour, Crime & Policing Act 2014 include 'Community Protection Notices', which can be issued by Councils, the Police & designated social landlords where behaviour has a detrimental effect on the quality of life of the locality and is persistent and unreasonable. Such notices can require a person to stop the offending behaviour, or take positive action to avoid further anti-social behaviour.

The Police and Crime Commissioner realigned the arrangements of the Anti Social Behaviour (ASB) function by withdrawing funding from each of the Councils in Dyfed Powys (who were providing specific ASB Officers) and consolidated this role in Gwalia in 2015. The role of the officers in Gwalia is to support other agencies in supporting Anti Social Behaviour Area Problem Solving Group meetings and victim support; they have no enforcement role as previous arrangements.

In light of the fact that Gwalia have no enforcement role, any enforcement falls on either the Council or the Police Authority.

Having regards to invasive non-native plants (including Japanese knotweed), guidance issued by the Home Office suggests that this power (service of Community Protection Notices) may be used to require landowners to take steps to control such plants on their land. In light of the fact that this is guidance, there is no legal obligation on agencies to implement and thereby carry out enforcement.

**Considerations**

There are practical difficulties in using this power:-

- (a) There are few means available to landowners to physically tackle Japanese knotweed, and these are of limited effect. It is quite possible that the requirements specified in a notice may not actually work.
- (b) The available methods are also expensive, which would provide recipients of a notice with a valid ground of appeal.
- (c) If a complaint is received that knotweed has spread from another property onto the complainants land, notices would have to be served on both landowners.

- (d) The above factors would result in the investigation and enforcement to remediate to be very time consuming and therefore very resource intensive on the officers of the section.
- (e) The Police Authority will only take action where such plants have been illegally moved.
- (f) The Authority has literature regarding invasive non- native plants on the website with signposting/links to additional information regarding control methods.
- (g) The Authority has a programme in place to control any invasive non – native plants on Council land.

**DETAILED REPORT ATTACHED ?**

**NO**

## IMPLICATIONS

**I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :**

**Signed: Robin Staines**

**Head of Housing, Public Protection and Provider Services**

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>NONE</b>	<b>YES</b>	<b>YES</b>	<b>NONE</b>

### 1. Policy, Crime & Disorder and Equalities

The Anti-Social Behaviour, Crime & Policing Act 2014 introduces major changes to the powers available to tackle anti-social behaviour problems. Guidance issued by the Home Office suggests that this power (service of Community Protection Notices) may be used to require landowners to take steps to control such plants on their land. It is not a requirement to enforce.

### 2. Legal

The Anti-Social Behaviour, Crime & Policing Act 2014 introduces major changes to the powers available to tackle anti-social behaviour problems. Guidance issued by the Home Office suggests that this power (service of Community Protection Notices) may be used to require landowners to take steps to control such plants on their land. It is not a requirement to enforce.

Legal advice has highlighted that there are difficulties in enforcing this legislation in this particular case (as highlighted in the executive summary)

### 3. Finance

Additional resources would be required to implement the legislation and enforce as necessary. Additionally, should any notices be successfully appealed, there is a likelihood that the Authority may be eligible for costs.

### 4. Risk Management Issues

Legal advice has highlighted that there are difficulties in enforcing this legislation in this particular case including;

- There are few means available to landowners to physically tackle Japanese knotweed, and these are of limited effect. It is quite possible that the requirements specified in a notice may not actually work.
- The available methods are also expensive, which would provide recipients of a notice with a valid ground of appeal.

### 5. Staffing Implications

Additional resources would be required to implement the legislation and enforce as necessary.

## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Robin Staines

Head of Housing, Public Protection & Provider Services

1. Scrutiny Committee - N/A

2. Local Member(s) - N/A

3. Community / Town Council - N/A

4. Relevant Partners - N/A

5. Staff Side Representatives and other Organisations - N/A

**Section 100D Local Government Act, 1972 – Access to Information**  
**List of Background Papers used in the preparation of this report:**

**THERE ARE NONE**

Title of Document	File Ref No.	Locations that the papers are available for public inspection