

# Y BWRDD GWEITHREDOL

## 26<sup>AIN</sup> GORFFENNAF, 2016

### Y PWNC:

#### CLYMOG JAPAN A PHLANHIGION ANFRODOROL YMLEDOL ERAILL

#### YR ARGYMHELLION / PENDERFYNIADAU ALLWEDDOL SYDD EU HANGEN:

- Ni fydd yr Awdurdod yn ymateb i geisiadau ynghylch clymog Japan a phlanhigion anffrodorol ymledol eraill ar eiddo preifat neu'n cymryd unrhyw gamau ffurfiol mewn perthynas â'r mater hwn.
- Bydd yr Awdurdod yn cyfeirio cwsmeriaid at y cyfarwyddyd sydd ar gael ar wefan Adran yr Amgylchedd, Bwyd a Materion Gwledig mewn perthynas â sut i symud a gwaredu planhigion o'r fath yn ddiogel.
- Bydd yr Awdurdod yn parhau i weithredu ei raglen rheoli phlanhigion anffrodorol ymledol ar ei eiddo ef.
- Bod yr Awdurdod yn cyflwyno sylwadau i Gymdeithas Llywodraeth Leol Cymru ynglŷn â'r angen am gyllid ychwanegol i Awdurdodau Lleol i reoli planhigion ymledol.

#### Y RHESYMAU:

- Nid yw presenoldeb clymog Japan a phlanhigion anffrodorol ymledol yn cael ei ystyried yn fater sy'n peryglu iechyd y cyhoedd.
- Ni fu dim adnoddau ychwanegol sy'n cyd-fynd â'r ddeddfwriaeth gysylltiedig (Deddf Ymddygiad Gwrthgymdeithasol, Troseddau a Phlisma 2014). Os bydd angen i'r adain gymryd camau ffurfiol â'r gallu presennol, bydd yn rhaid ystyried rhoi'r gorau i swyddogaethau statudol eraill sy'n cael eu cyflawni ar hyn o bryd a fydd yn arwain at oblygiadau o ran iechyd y cyhoedd.
- Mae Cyfarwyddyd y Swyddfa Gartref yn awgrymu y gellir defnyddio Hysbysiadau Amddiffyn Cymunedol: nid oes gofyniad cyfreithiol i'w defnyddio.

#### Angen ymgynghori â'r pwyllgor craffu perthnasol: NAC OES

Angen i'r Bwrdd Gweithredol wneud penderfyniad OES – 26<sup>ain</sup> Gorffennaf 2016  
Angen i'r Cyngor wneud penderfyniad NAC OES

#### Yr Aelod o'r Bwrdd Gweithredol sy'n Gyfrifol am y Portffolio:

Y Cyng. J. Jones (Deiliad Portffolio Diogelu'r Cyhoedd a'r Amgylchedd)

#### Y Gyfarwyddiaeth

Cymunedau

Enw Pennaeth y  
Gwasanaeth:

Robin Staines

Awdur yr Adroddiad:

Sue Watts

#### Swyddi:

Pennaeth Tai, Diogelu'r Cyhoedd a  
Gwasanaethau Darparwyr

Rheolwr Iechyd yr Amgylchedd a  
Thrwyddedu

#### Rhifau ffôn:

Cyfeiriadau e-bost:

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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