

ADVICE RE COMPLAINTS RELATING TO JAPANESE KNOTWEED

Background notes:

- It is not illegal for a person to have Japanese knotweed on their property but a land owner can be prosecuted if the weed is allowed to spread to adjoining land / property or if they do not dispose of it in line with government guidelines. Details are provided below:

<https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants>

- The Council is not responsible for removing Japanese Knotweed unless it is on / has originated from, SBC land.
- If several areas of land are affected and the origin of the weed is not clear it will require a joint agreement and financial contribution from all parties in order to treat the weed effectively.
- SBC Environmental Health (EH) does not have the power to remove Japanese Knotweed if uncooperative land owners refuse to do so. EH can only respond to Environmental issues which are an **IMMINENT** threat to life or property and can still only serve Notice on the owner of possible prosecution if they do not act, it does not give them the power to remove the weed.
- A caller may ask that SBC acts on their behalf under the new Anti-Social Behaviour Powers but in order to activate the Community Trigger they would need in the first instance to follow the advice below. The complaint would only initiate the Trigger if it met with specific criteria. It is important the caller knows the more they have done to resolve the issue themselves the stronger their case will be should they hit the ASB Threshold. Details of Anti-Social Behaviour Powers are highlighted in the following link:

<http://www.staffordbc.gov.uk/live/Documents/PolicyAndImprovement/Introduction-to-New-Anti-Social-Behaviour-Powers.pdf>

How to respond to an initial complaint:

- If a complaint comes in & the caller believes the land to be SBC owned refer to Legal Services Admin Support Officer **Ellie Roberts ext 233** to confirm this. If it is SBC owned Ellie will refer the matter from there. If it is not she will advise the caller on the next course of action.
- If the caller knows the land is not SBC owned they need to approach the land owner verbally, in writing or via a solicitor to ask them to remove the weed. It is the caller's obligation to open a line of communication, not the Council to do this on their behalf.

- Should the caller not know who owns the land they can conduct a search on the Land registry website for a small fee, this will be at the cost of the caller, not SBC. A link to the site is provided below:

<http://landregistrydocuments.co.uk/?gclid=ClA59Y-Qk8MCFWTHtAodMBMAig>

- Please forward the location of any reports of Knotweed to Legal Services Admin Support Officer **Ellie Roberts ext 233** regardless of if the land is SBC owned or not as we are now keeping records of where knotweed is present in the Borough.

What happens if a land owner will not respond or act on the callers request to remove the weed?:

- If a caller has pursued every line of communication with the land owner, made reasonable efforts to resolve the issue and there is an immediate threat,(or direct infringement ie the hampering of a property sale due to the presence of knotweed on nearby land), then they may request the situation is reviewed under The Community Trigger which is part of the Anti-social Behaviour, Crime and Policing Act 2014. Cases will be reviewed on an individual basis, but they may not necessarily activate the Community Trigger. The Community Trigger is a last resort if the complainant feels their case has not been dealt with or they are not satisfied with the agencies response.
- The threshold for the Community Trigger is; 3 complaints within a six month period to one or more agencies, the last complaint being within one month of the Community Trigger Request. If the threshold is not met but there are vulnerabilities, risk of harm or persistence of the anti-social behaviour, then the case may still need to be discussed with partner agencies.
- We may feel that all necessary and possible action has been taken by us and partner agencies and therefore there may be nothing further that we can do.
- Please refer these enquiries to **Amanda Knight ext 417** for further investigation.