POLICY AND LEGISLATION UPDATE

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Contents

• Community Protection Notices;
• Community Trigger;
• Species Control Orders;
• Schedule 9 Review;
• Updated GB Strategy.
Community Protection Notices

- Introduced by the Anti-social Behaviour, Crime and Policing Act 2014;
- Powers available to local authorities and Police to address anti-social behaviour;
- CPNs are “intended to deal with particular, ongoing problems or nuisances which negatively affect the community’s quality of life by targeting those responsible” [Home Office Guidance];
- Replaced ASBOs;
- Designed to be more flexible (requested by LAs).
Community Protection Notices

• A CPN can be issued if the conduct of the individual, business or organisation:
  ➢ is having a detrimental effect on the quality of life of those in the locality;
  ➢ is persistent or continuing in nature; and
  ➢ is unreasonable.

• Unreasonable behaviour can include inaction;
• Failure to comply with a CPN is an offence;
• If a CPN is not complied with, LA may take remedial action and charge cost back.
Community Protection Notices

- Can be used for INNS;
- Home Office issued Japanese Knotweed Information Note;
- Medway Council served CPN for Giant hogweed.
Community Trigger

- Community Trigger gives victims the right to demand action;
- If threshold is met, full review of case triggered;
- All relevant authorities brought together and decide whether further action should be taken;
- Recommendations likely to form action plan.
Species Control Orders

• Introduced by Infrastructure Act 2015 and form part of the Wildlife and Countryside Act;

• In England, powers available to Defra, Natural England, Environment Agency and Forestry Commission;

• In Wales, powers available to Welsh Government and Natural Resources Wales;

• Scotland has had similar powers since 2011.
Species Control Orders

- Requires an owner to carry out control operations against INNS, or allow us to do so, where they have refused to act or allow access;

- Focus remains on negotiating voluntary agreement;

- Where this is not possible or an agreement is breached, SCO can be issued;

- Emergency SCO can be issued in exceptional circumstances.
Species Control Orders

• Failure to comply with an SCO is a criminal offence;
• Breach of SCO allows Govt to enter the land and carry out operations;
• Right of appeal to the First Tier Tribunal;
• Govt to meet the cost of all operations (unless the owner released the species).
Species Control Orders - Scope

- Any animal whose natural range does not include Great Britain;
- Plants listed on Part 2 of Schedule 9;
- Former native species listed on Part 1B of Schedule 9 e.g. beaver; wild boar;
- Species must also be, or capable of being, invasive.
Species Control Orders - Application

- Newly arrived INNS;
- INNS that currently have a relatively restricted distribution but potential to spread;
- INNS subject to national eradication programme;
- INNS listed under EU IAS Regulation;
- Former native species if unlicensed and causing adverse impacts;

- Widespread INNS (a few exceptions);

- Code of Practice currently out to consultation.
CPNs v SCOs

**CPNs**
- Available to LAs/Police;
- To address local issues;
- To be used as appropriate;
- Can address widespread species.

**SCOs**
- Available to Govt;
- To address national issues;
- To be used exceptionally;
- Not routinely used for widespread species.
Schedule 9 Review

• June-August 2015: JNCC consulted on revisions to Part 1 and 2 of Schedule 9 – not Part 1A or 1B;

• JNCC overseeing an independent and external peer review of the evidence;

• JNCC will submit post-consultation report to Defra;

• Further Defra-led consultation on proposed changes.
GB Non-native Species Strategy

• Updated GB Strategy published in August 2015;
• Implementation plan published.
GB Strategy - Key Changes

- More strategic role for Programme Board;
- Set up England Working Group;
- Better integration with wider biosecurity initiatives;
- Increase speed of risk assessment process;
- Further develop risk analysis;
- Develop dedicated surveillance for priority species and pathways;
- Greater focus on rapid response eradication;
- Strategic plan to co-ordinate research.