

**Democratic Services**

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Date: 19<sup>th</sup> November 2013

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**To: All Members of the Planning, Transport and Environment Policy Development and Scrutiny Panel**

Councillor Marie Longstaff

Councillor Lisa Brett

Councillor David Martin

Councillor Douglas Nicol

Councillor Liz Richardson

Councillor Roger Symonds

Councillor Les Kew

Cabinet Member for Neighbourhoods: Councillor David Dixon

Chief Executive and other appropriate officers

Press and Public

Dear Member

**Planning, Transport and Environment Policy Development and Scrutiny Panel:  
Wednesday, 27th November, 2013**

You are invited to attend a meeting of the **Planning, Transport and Environment Policy Development and Scrutiny Panel**, to be held on **Wednesday, 27th November, 2013** at **9.30am** in the **Brunswick Room - Guildhall, Bath**.

The agenda is set out overleaf.

Yours sincerely



Mark Durnford  
for Chief Executive

**If you need to access this agenda or any of the supporting reports in an alternative accessible format please contact Democratic Services or the relevant report author whose details are listed at the end of each report.**

*This Agenda and all accompanying reports are printed on recycled paper*

## NOTES:

- 1. Inspection of Papers:** Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact Mark Durnford who is available by telephoning Bath 01225 394458 or by calling at The Guildhall, Bath (during normal office hours).
- 2. Public Speaking at Meetings:** The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. Advance notice is required not less than two full working days before the meeting (this means that for meetings held on Wednesdays notice must be received in Democratic Services by 4.30pm the previous Friday)

The public may also ask a question to which a written answer will be given. Questions must be submitted in writing to Democratic Services at least two full working days in advance of the meeting (this means that for meetings held on Wednesdays, notice must be received in Democratic Services by 4.30pm the previous Friday). If an answer cannot be prepared in time for the meeting it will be sent out within five days afterwards. Further details of the scheme can be obtained by contacting Liz Richardson as above.

- 3. Details of Decisions taken at this meeting** can be found in the minutes which will be published as soon as possible after the meeting, and also circulated with the agenda for the next meeting. In the meantime details can be obtained by contacting Liz Richardson as above.

Appendices to reports are available for inspection as follows:-

**Public Access points** - Riverside - Keynsham, Guildhall - Bath, Hollies - Midsomer Norton, and Bath Central, Keynsham and Midsomer Norton public libraries.

**For Councillors and Officers** papers may be inspected via Political Group Research Assistants and Group Rooms/Members' Rooms.

- 4. Attendance Register:** Members should sign the Register which will be circulated at the meeting.
- 5. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.**
- 6. Emergency Evacuation Procedure**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are sign-posted.

Arrangements are in place for the safe evacuation of disabled people.

**Planning, Transport and Environment Policy Development and Scrutiny Panel -  
Wednesday, 27th November, 2013**

**at 9.30 am in the Brunswick Room - Guildhall, Bath**

**A G E N D A**

1. WELCOME AND INTRODUCTIONS

2. EMERGENCY EVACUATION PROCEDURE

The Chair will draw attention to the emergency evacuation procedure as set out under Note 6.

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

4. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

(a) The agenda item number in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **a disclosable pecuniary interest** or an **other interest**, (as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer or a member of his staff before the meeting to expedite dealing with the item during the meeting.

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

6. URBAN GULLS - SCRUTINY INQUIRY DAY (Pages 5 - 12)

A Scrutiny Inquiry Day is a mechanism for a short single topic scrutiny, used where a formal panel meeting may not be as effective or appropriate, or to review progress in an area which has already been the subject of scrutiny work.

It is standard practice for Policy Development & Scrutiny Panels to invite people with relevant experience or knowledge to give information, expert opinion or advice. Such

experts may be Council officers, outside agencies, academics, voluntary organisations, community or campaign groups, local residents, service users etc.

How will the Scrutiny Inquiry Day achieve an impact?

There are two main aims of Scrutiny Inquiry Days. These are to:

- enhance understanding of an issue that involves many organisations, in addition to the Council
- develop recommendations for an inclusive and positive way forward.

Given that the scrutiny methodology more often than not involves bringing together practitioners and strategic-level staff from different sectors, scrutiny activities may also have a lasting beneficial effect beyond their immediate aims. These benefits include facilitating communication and co-operation between jointly interested parties on a topic or issue.

The Committee Administrator for this meeting is Mark Durnford who can be contacted on 01225 394458.

## Urban gulls in Bath

### A scrutiny inquiry day

Chaired by Cllr Marie Longstaff, Chair of the Planning, Transport and Environment Policy Development and Scrutiny panel

Wednesday 27 November 2013  
Brunswick Room, Guildhall, High Street, Bath, BA1 5AW

### Agenda

09:00	Arrival and sign in Morning coffee will be provided	
09:30	Welcome address and overview of the day	Cllr Marie Longstaff
09:45	Introduction	Kirsten Elliott, local resident and joint organiser of the SID
10:00	Public statements and questions relating to business of the meeting Public can register by 4pm on Friday 22 November with their written statements, although this is not obligatory.	Chaired by Cllr Marie Longstaff
10:35	Coffee break – short	
10:45	Current situation and the powers we have to take action Initial information is included in the two briefing notes provided with this agenda.  Followed by Q&A	Cllr David Dixon, Cabinet Member for Neighbourhoods, B&NES Cath Humphries, Neighbourhood Environmental manager, B&NES Peter Rock, Ornithologist Cllr Geoff Ward, CFCIEH Andrew Cooper, Bath Business Improvement District Manager
12:00	Experiences of other authorities An overview of relevant information will be provided as background papers in advance of the meeting.  Followed by Q&A	Janet Blair, Carlisle Council Julie Wight, Gloucester City Council, for the Severn Estuary Gull Group
13:00	Lunch A light lunch will be provided	
13:45	Facilitated workshop:  What can we all do to tackle the urban gull problem in Bath?  Feedback on discussions during session	Facilitated sessions Chaired by Cllr Marie Longstaff
15:15	Closing remarks Including: Summary of the day, next steps, and promotion of joint responsibility	Cllr Marie Longstaff
15:30	Close	

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## Scrutiny Inquiry Day into Urban Gulls

### Basic information about the Policy Development & Scrutiny system in Bath & North East Somerset Council

#### Where does Policy Development and Scrutiny fit within the Council's decision-making structure?

There are two main statutory functions involving elected members within every district, county or unitary council in England – the Executive (Cabinet) and Overview and Scrutiny. Different councils structure this in different ways, but there is a clear division between the roles and responsibilities of these two functions.

The main decision making powers rest on the **Cabinet**. The Cabinet is intended to create clear leadership and clear accountability for service delivery. Here in Bath & North East Somerset Council, these decision-making powers lie with nine councillors, each with a distinctive portfolio of work.

**Overview and Scrutiny** is the name given in legislation to the system of checks and balances implemented by all other councillors as they monitor the activity of the Cabinet and assist them in developing and reviewing policy. In Bath & North East Somerset Council, this is known as Policy Development and Scrutiny. Policy Development and Scrutiny is intended to review the work of the Cabinet and to enhance the performance of services. It is also designed to provide a forum through which policy review and policy development can be extensively examined before consideration and decision by the Cabinet and/or Full Council.

There are **six Policy Development and Scrutiny Panels** which meeting approximately six to seven times a year and oversee a specific area of work, generally matching the Cabinet portfolios. These panels are:

- Early Years, Children and Youth
- Economic and Community Development
- Housing and Major Projects
- Planning, Transport and Environment
- Resources
- Wellbeing

#### How do Policy Development and Scrutiny Panels operate?

All Policy Development and Scrutiny Panels are led by councillors and have a **Chair and Vice Chair**. Membership consists of (non-executive) councillors of all parties, and may also include co-optees from voluntary organisations, and other outside agencies.

In addition to their **regular meetings**, Policy Development and Scrutiny Panels in Bath & North East Somerset carry out **reviews**. These involve undertaking a mixture of "overview", "scrutiny" and "policy development" on a selected subject, which may be a review of a policy, service or an investigation of an issue of local concern.

Policy Development & Scrutiny Panels achieve their impact and initiate change through **making recommendations to the Cabinet, Full Council or partners**. The formal **meetings are open to the public**, and always include space on the agenda for public statements. Their agendas and minutes are available to the public via the council's website.

### **What is a Scrutiny Inquiry Day?**

A Scrutiny Inquiry Day is a mechanism for a **short single topic scrutiny**, used where a formal panel meeting may not be as effective or appropriate, or to review progress in an area which has already been the subject of scrutiny work.

Scrutiny Inquiry Days are often informal and may not be open to the public, although their final reports and recommendations will be a public document. It is standard practice for Policy Development & Scrutiny Panels to invite people with relevant experience or knowledge to give information, expert opinion or advice. Such experts may be Council officers, outside agencies, academics, voluntary organisations, community or campaign groups, local residents, service users etc.

In an inquiry like this, it is on-the-day assessment of findings, and development of conclusions and recommendations (in conjunction with other interested parties) that differs from a traditional "contributor session" in more complex Policy Development and Scrutiny reviews.

### **How will the Scrutiny Inquiry Day achieve an impact?**

There are two main aims of Scrutiny Inquiry Days. These are to:

- enhance understanding of an issue that involves many organisations, in addition to the Council
- develop recommendations for an inclusive and positive way forward.

These recommendations may require a response from the relevant Cabinet member(s), but in other cases will be more appropriate for another Council or partnership body.

Given that the scrutiny methodology more often than not involves bringing together practitioners and strategic-level staff from different sectors, scrutiny activities may also have a lasting beneficial effect beyond their immediate aims. These benefits include facilitating communication and co-operation between jointly interested parties on a topic or issue.



## **Urban Gulls – a scrutiny inquiry**

### **Briefing paper on Council actions to mitigate the impact of urban gulls**

This briefing paper supports a presentation at the Scrutiny Inquiry Day regarding the current situation on gulls in urban areas of B&NES. It describes the actions which have been completed by a range of Council teams in 2013. It also outlines relevant information in relation to one of the main aims of the day - gathering feedback from residents, businesses and visitors on how we can better engage with the public on these actions and what further affordable, improvements we can make together to mitigate the impact of gulls for everyone.

#### **Communications**

So far in 2013, the gull webpage has received 409 hits. Whilst still a relatively small amount, is a significant increase from the number of hits received in 2012. In 2013, we have taken a number of actions to better inform our customers about what the Council is able to about mitigating the impacts of gulls. These include:

- Publicity in the local media about what the Council is doing to tackle the problem. This included interviews and debates on Radio Bristol and articles in the local print media
- Updating the Council's webpage with revised Frequently Asked Questions and production of a new leaflet to provide advice to the public about proofing buildings against gulls, which can be downloaded from the Council's website.

#### **Egg replacement service**

This is a chargeable service provided by the Council's Pest Control team where real eggs are replaced with plastic 'dummy' eggs. This dupes the gull into believing that the eggs are going to hatch and when it becomes apparent that this is not going to happen, it is too late for the pair to have a second breeding attempt. This is an intervention method that other local authorities have also adopted to try and control the gull population.

In 2013 we had a poor response for this service despite advertising on our website and in local media. We are keen to receive feedback on why we received this response and how we can improve the accessibility of this service to our customers.

#### **Trial of 'fire gel' product on the parapets of the Roman Baths Kitchen**

This is a new product being trialled by a number of local authorities including B&NES. The gel is placed at intervals along parapets of buildings. It has ultra-violet light effects which makes it appear to gulls that it is 'on fire' and so they are deterred from landing on the gel and therefore the building. The gel was trialled on the roof of the Roman Baths kitchen during the summer and appeared successful in reducing the complaints from customers about gulls. Council teams are considering using this again in the 2014 breeding season.

#### **Commercial Waste Enforcement**

Operations 'Sunrise and Sunsets' are initiatives to raise awareness about the need to present waste at the correct collection times to reduce the likelihood of scavenging by animals. Enforcement Officers have worked within the business community through early

## **Urban Gulls – a scrutiny inquiry**

morning and late night patrols. The team has issued over 100 letters to businesses and has received positive feedback on the improvements which have been achieved through this intervention.

### **Domestic waste enforcement**

Enforcement Officers have worked proactively with the Waste Campaigns team to identify specific areas where domestic waste is put out too far in advance of collection. Action so far has been through educating and encouraging but there are some areas that we are now escalating to include enforcement actions. Results so far have been very encouraging with the vast majority of residents changing their behaviour as a result of these notices.

In particular, officers from the campaigns and enforcement teams have been working together to engage with residents in New King Street, Bath. A dramatic improvement has been witnessed in the cleanliness of the street and in the reduction of waste not contained in gull-proof bags through this work.

### **Other Enforcement Action**

The Council is challenging members of the public who are known to be feeding gulls and requesting that they refrain from this practice. We welcome information from members of the public with details of times and locations where significant quantities of food are being left for birds, so that we can positively engage with the members of the public involved.

We will also consider the use of statutory nuisance powers on premises to oblige the owner or occupier to take preventative action in cases where their premises are clearly and demonstrably contributing to 'gull-related' nuisance to local residents.

### **Extension of gull-proof, re-usable rubbish sacks**

This trial provides householders with a robust sack which prevents scavenging of waste by gulls and other wildlife. The sacks were originally trialled on 1,000 homes in September 2012 and proved popular, with 86% of residents wanting to continue to use them at the end of the trial. The scheme has since been extended to cover almost 2,500 homes in the city. Proposals are being scoped to trial making the use of these bags compulsory in streets where they have been provided.

### **Solar Compacting Bins in Bath city centre**

There are now 55 of these bins in the city centre which are effective in containing waste so that the gulls are prevented from accessing food waste. This helps to prevent scavenging and creating litter. The bins also have the potential to carry promotional messages about not feeding birds and this is being considered for the future.

## Briefing statement on urban gulls for Bath and North East Somerset Council

### RSPB

The RSPB is a charity working to conserve wild birds and their habitats. We focus on species of conservation concern where our aim is to recover declining populations. The RSPB has no remit to deal with animal welfare or wildlife management issues.

<http://www.rspb.org.uk/about/>

### Gulls

Of the gull species in the UK, several may be encountered in suburban and urban situations. Of these, herring gull and lesser black-backed gull are the species usually recorded breeding and feeding in some urban situations (where herring gull is the species that usually nests on house roofs while lesser black-backed gull is more usually found breeding in colonies on larger roofs such as warehouses). The legal and conservation status sections below therefore focus on these two species.

<http://www.rspb.org.uk/wildlife/birdguide/families/gulls.aspx>

### Urban/roof nesting gull issues

Gulls have always been a feature of coastal towns and villages – they are a natural part of our country's wildlife. Since the 1940s some species have favoured roofs as nest sites and populations of herring and lesser black-backed gulls have increased in urban areas, in contrast to overall national declines in these species (see 'Conservation status' below). Roofs provide safe, predator-free nest sites for gulls while many built-up areas provide much food (eg, accessible edible rubbish and litter in town centres).

<http://www.rspb.org.uk/advice/gardening/unwantedvisitors/gulls/urbangulls.aspx>

The RSPB recognises that the presence of gulls in some urban areas may result in some conflicts with people, eg, some adult birds 'dive-bombing' people or pets when they feel their young are threatened or gulls breaking open plastic rubbish bags in a search for food. We believe that gull problems in an urban environment are best tackled by reducing the availability of food and nest sites because, if the features that attract gulls remain, any 'vacancies' created by controlling existing gulls will simply be filled by other gulls moving in. The RSPB believes – and the law requires – that lethal control should be a last resort used only where it is legal, where there is a proven problem, where non-lethal alternatives have been tried and found not to be effective, and where legal, lethal control will not adversely affect the conservation status of the species.

The RSPB recommends action by local authorities and individuals to reduce the volume of food available to gulls in urban areas, including reducing the amount of food waste sent to landfill, not putting rubbish out until the day of collection, putting rubbish out in gull-proof containers, reducing the amount of 'edible litter' on streets, particularly arising from fast food outlets, providing 'gull-proof' public litter bins and enacting by-laws if necessary to prevent people from deliberately feeding gulls in public spaces such as parks and harbours.

Problems of gulls dive-bombing people or pets are restricted to the nesting season which lasts from early May to end of July, and usually occur when unfledged chicks have fallen from their nest to the ground (usually in July). In most cases, the gulls do not come into physical contact with people. With regard to reducing the availability of nest sites – i.e. roofs – for gulls, physical barriers will be necessary. This requires action before the breeding season and may need consent from the local authority and fire brigade. The RSPB is not able to advise on specific measures. It is important that any deterrents do not trap or injure birds as that would be illegal. Legal destruction of eggs and nests is unlikely to be effective unless physical measures are used immediately to prevent the adults re-nesting.

### Conservation status

Some species of gull are of conservation concern, having declined by more than 50%. Herring gulls are red listed as a species of high conservation concern because of recorded severe declines in their UK breeding and non-breeding populations over the past 25 years. Lesser black-backed gulls are amber listed as a species of medium conservation concern

because breeding birds are localised in the UK and the UK supports internationally important numbers of this species.

Gull numbers in the UK are most comprehensively monitored during national seabird surveys. The most recent was Seabird 2000 (1998-2002) which included counts of some inland breeding gulls. This survey is due to be repeated in 2015-17 when greater coverage of inland breeding gulls is proposed.

<http://jncc.defra.gov.uk/seabird2000>

The RSPB recognises the need for a better understanding of urban gull populations but we are not in a position to undertake surveys of gulls outside of the national monitoring process. We are carrying out research to establish the reasons for the national declines in herring gulls and regional declines in lesser black-backed gulls.

### **Legal status**

All wild birds are protected by law (the Wildlife and Countryside Act 1981, as amended). It is illegal, with certain exceptions for some species, to kill, injure or take a wild bird, or to destroy its nest (whilst in use or being built), eggs or chicks. Different exceptions apply to different species in specific circumstances if certain conditions are met. In some situations, provided there is a valid justification, an individual licence may be issued to permit an otherwise illegal action against a wild bird.

*Please note that the following does not constitute legal advice. The RSPB has concerns over the usage of general licences with regard to species of conservation concern in relation to the UK's obligations under European law to conserve wild bird populations. For example, we are concerned about the appropriateness of a general licence for species of conservation concern because of the lack of any statutory requirement for recording and reporting its use.*

General licences permit 'authorised persons' to take legal, lethal action against some species in specific circumstances (for other species, an individual licence must be sought). General licences are issued annually, and so the terms and conditions are subject to change. 'Authorised persons' are usually the landowner, occupier or someone authorised by them. While an individual acting under instructions from the local authority is an authorised person, this does not confer right of entry onto private property.

General licences currently include those that permit the destruction of the nests and eggs of herring gull and lesser black-backed gull (and the chicks and adults of lesser black-backed gull) to preserve public health or public safety. Only humane methods can be used. Poisoning is illegal.

It is essential for anyone intending to take action against gulls under the terms of a relevant general licence to be sure of the identification of the species involved, to understand the terms and conditions of the appropriate general licence and, crucially, to be sure that their actions comply with the law, including being satisfied that non-lethal methods of resolving the problem are ineffective or impractical and that they are an 'authorised person'. The current and relevant general licence must be consulted before taking action to ensure that the action is legal.

<http://www.rspb.org.uk/advice/gardening/unwantedvisitors/gulls/thelaw.aspx>

<http://www.rspb.org.uk/ourwork/policy/wildbirdslaw/index.aspx>

It is illegal to remove gull nests and eggs or to kill chicks and adult birds because they are disliked, considered noisy or thought to be causing damage to property.

The RSPB cannot authorise individuals to kill gulls or destroy nests or eggs. All enquiries on legal, lethal control and licences should be addressed to Natural England, the statutory agency that advises on wildlife management issues.

<http://www.naturalengland.org.uk/ourwork/regulation/wildlife/contactus/default.aspx>

<http://www.naturalengland.org.uk/ourwork/regulation/wildlife/species/birdswithoutprotection.aspx>