

Bath & North East Somerset Council

MEETING/ DECISION MAKER:	Planning, Transport and Environment Policy Development & Scrutiny Panel
MEETING/ DECISION DATE:	Wednesday 20 November 2013
TITLE:	Urban Gulls in Bath - a scrutiny inquiry: update report
WARD:	All (mainly Bath focused, but decisions will apply across B&NES)
AN OPEN PUBLIC ITEM	
List of attachments to this report: Draft agenda Summary review timetable	

1. THE ISSUE

- 1.1 This report provides an update on the arrangements for the Urban Gulls scrutiny inquiry day on 27 November. This report has been provided to inform panel members of progress on the event, share the plans for the day and prepare them for the next steps. Input or feedback is welcomed.

2. RECOMMENDATION

- 2.1 That panel members
- review the information provided about the scrutiny inquiry day and the next steps, and provide feedback
 - attend the scrutiny inquiry day on 27 November to participate in the discussions
 - promote the scrutiny inquiry day as an important public engagement opportunity through their various networks to increase representation of key groups.

3. RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 Resources for the review and the day of the event are being kept to a minimum to ensure this exercise is as cost-effective as possible. Costs are mainly being drawn from officer time to organise, plan and manage the event. A member of public is supporting the review on a completely voluntary basis. In addition, the event will be held in the Guildhall to keep costs as low as possible. Other than staff time, all costs are being met through the small budget allocated to the panel for this sort of work.
- 3.2 When agreeing final recommendations that come from the review, one of the main considerations will be financial feasibility. This will be considered alongside other factors such as the potential impact and allows us to understand all options prior to agreement of

final proposals. This information will be collated and discussed with the panel in January to ensure all members are well-informed.

4. STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 There are three pieces of legislation informing the approach to the review, the workshop discussions and the recommendations, including:
- Environmental Protection Act 1990 – which outlines the duty of care to manage waste responsibly and prevent statutory nuisance
 - Clean Neighbourhoods and Environment Act 2005 - which makes it illegal for anyone to litter in a public place
 - Wildlife and Countryside Act 1981 – which protects all species of gulls from unlawful killing or disturbance.
- 4.2 In addition, equalities legislation has been a key consideration in planning the scrutiny inquiry day to ensure equal access for all who wish to attend.

5. THE REPORT

5.1 Background

The urban gull colony in Bath is made up of 2 species- the Herring Gull and the Lesser Black Backed Gull. Approximately a third of the colony is made up of Herring gulls which are indigenous to this country. The rest of the colony is made up of the Lesser Black Backed gulls, which are migratory and arrive around April to breed and then leave in October. At the last count in 2012, Bath and North East Somerset was deemed to have a colony of approximately 1,000 breeding pairs.

The gulls nest on top of buildings which provide safe breeding territories and feed on food waste that is dropped on the floor or left unexposed in unsuitable containers. Their presence causes a multitude of problems for local people and businesses, including fear or and actual attacks by birds protecting their young, the unpleasantness of faeces in places where people eat, relax or walk, and nests in obstructive locations causing issues, for example blocked drains.

The council has already taken steps to limit the gulls' access to food waste by providing businesses with gull-proof refuse sacks and installing solar compacting bins that require the user to pull open a metal 'drawer' to gain access. Enforcement officers have carried out early morning operations to raise awareness about the management of trade waste by businesses and there are on-going initiatives to support residents in recycling food waste. In addition, the council also provides comprehensive advice on its website and has published a leaflet on how property owners can 'gull proof' their premises. However, whilst the council can lead on making a number of changes, the real difference will come as a result of every resident, business and visitor playing their part.

The problem of gulls has been discussed by scrutiny panels on several occasions over the past couple of years. This review was established when a statement and request for funding to support a community gulls conference by a local resident, Kirsten Elliott, prompted a discussion. It was agreed the event would be developed as a single-day review, which would have more likelihood to lead to policy changes.

5.2 Rationale

The purpose of the day is to bring residents, business owners and visitors together to tackle the urban gull population in the city.

The main aims are to:

- engage all businesses, residents and visitors in taking responsibility for the issues and causes of the significant gull population in Bath during the summer months

- educate on the facts, causes, solutions, and other relevant information
- discuss short and long-term solutions to tackle the issues of the gulls themselves and the waste (food source) that attracts them
- determine what National Government could do to assist councils to tackle the problem
- develop draft recommendations for change to be discussed in January with the panel and put forward to Cabinet.

5.3 Approach to the day

The day will begin with public statements to allow anyone who wishes to have their say three minutes to address the panel early in the proceedings.

There will be two series of presentations:

- The first will focus on the current situation and powers, including:
 - council officers from Environmental Protection and Waste Services and Cllr Dixon, Cabinet Member for Neighbourhoods explaining what is already being done, the position of the RSPB and the government (both groups were invited to attend, but have declined. The RSPB have provided a useful document to help inform the day).
 - an ornithologist, Peter Rock, with facts about the gull population in Bath, the pros and cons of various intervention methods and the need for national research
 - Cllr Geoff Ward regarding his views on the importance of this issue for Bath and North East Somerset
 - Andrew Cooper of the Business Improvement District regarding the experiences of local businesses.
- The second will focus on what has been done elsewhere to resolve the problem, including representatives from:
 - Carlisle Council, regarding their gull programme which also began as a scrutiny review
 - the Severn Estuary Gull Group, with an overview of the experiences of their member councils.

The day will conclude with a workshop which will utilise people's experiences and what has been learned on the day to propose actions for change.

The draft agenda is attached at Appendix one.

5.4 Next steps

Following the event, the information collated during the workshop session will be used to develop draft recommendations. These will then be considered by a group of officers, councillors and other key stakeholders.

Each recommendation will be assessed (high, medium or low) against the following:

- rationale - is its purpose within the scope of this review?
- potential impact – how wide spread and/or beneficial will it be?
- feasibility (financial) – is it expensive to purchase/develop/implement/manage?
- feasibility (non-financial) – does it break any laws or impact any group unfairly?

This assessment will inform the final draft recommendations that will be discussed by the panel on 14 January. The panel will then agree their final list and this will be submitted to Cabinet for their response on whether they accept, reject or wish to defer the proposals.

The Cabinet members' response will be discussed at PTE PDS panel on 4 March.

A timetable is included at Appendix two.

6. OTHER OPTIONS CONSIDERED

- 6.1 As with all scrutiny reviews, the approach to be taken that is most appropriate for the subject, timescales and type of review is considered in discussion with the lead member. A single-day inquiry was chosen for the Urban Gulls review to ensure a broader involvement by a range of stakeholders and enable initial action in time for spring/summer 2014.
- 6.2 In developing the recommendations after the event, each will be considered against potential alternatives before reaching conclusions.

7. CONSULTATION

- 7.1 This paper has been written based on the approach agreed for the day by the steering group and has been agreed by the chair of the panel.
- 7.2 Future papers regarding the outcomes of the day and the draft recommendations will be discussed with relevant officers and other stakeholders for accuracy prior to sharing with members.

8. RISK MANAGEMENT

- 8.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the council's decision making risk management guidance.
- 8.2 In addition, a risk assessment of each of the draft recommendations will be undertaken prior to finalisation. This information will be shared with the panel in January.

Contact persons	<i>Liz Richardson, 01225 396053 Cath Humphries, 01225 477645</i>
Background papers	<i>None</i>
Please contact the report author if you need to access this report in an alternative format	

Appendix one – Draft agenda

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 Morning coffee will be provided	
09:30	Welcome address and overview of the day	Cllr Marie Longstaff
09:45	Introduction	Kirsten Elliott
10:00	Public statements and questions relating to business of the meeting Public can register up to five days in advance for statements to be included in information packs, although this is not obligatory	
10:45	Current situation and the powers we have to take action Reports providing this information will be available in advance Followed by Q&A	Cathryn Humphries, Carol Maclellan Cllr Dave Dixon Peter Rock, Gull Expert Cllr Geoff Ward Andrew Cooper, BID
12:00	Lunch A light lunch will be provided	
12:45	Experiences of other authorities Followed by Q&A	Janet Blair, Carlisle Council Julie Wight, Gloucester City Council (representing the Severn Estuary Gull Group)
13:45	Facilitated workshop Taking all the information heard today into account, what can we all do to tackle the urban gull problem in Bath? Feedback on discussions during session	Facilitated sessions, Chaired by Cllr Longstaff
15:15	Closing remarks Including: Summary of the day, next steps, emphasis on joint responsibility	Cllr Marie Longstaff
15:30	Close	

Appendix two – planning and follow up timetable (summary)

Action	Date
2013	
Initial proposal and discussion at PTE PDS	16 July
Early planning discussions	August
Press release published and invitations sent	10 October
Information to confirmed delegates	20 November
Deadline for submission of written statements	22 November
Urban Gulls: a scrutiny inquiry - event	27 November
Follow up steering group to agree draft recommendations	December (TBC)
2014	
Finalisation of recommendations for submission to Cabinet, at PTE PDS	14 January
Deadline for responses from Cabinet	TBA
Discussion of final Cabinet response, at PTE PDS	4 March
Initial action and policy change in place	Spring/Summer
Further action and policy change	Ongoing