

Bath & North East Somerset Council

MEETING/ DECISION MAKER:	Planning, Transport and Environment Policy Development & Scrutiny Panel	
MEETING/ DECISION DATE:	4 March 2014	EXECUTIVE FORWARD PLAN REFERENCE:
		E 2616
TITLE:	Urban Gulls scrutiny inquiry – Cabinet Member response to the panel’s recommendations of 14 January 2014	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
1. Appendix one – Urban Gulls recommendations response table – Cabinet Members’ responses		

1. THE ISSUE

- 1.1 Numbers of urban gulls in Bath have increased by almost five times since 1998. This is a highly controversial issue amongst residents, business owners, visitors and public services and responsibility is often placed solely on the council. The purpose of the review has been to engage all groups in taking joint responsibility for the issues and causes of high numbers of urban gulls, in particular through:
- educating on the causes, solutions and other relevant information about gulls
 - finding short, medium and long-term solutions to tackle the issues of the gulls themselves and the features that attract them
 - determining what national Government are doing and could do to assist councils to tackle the problem.
- 1.2 Following extensive research and consultation via a Scrutiny Inquiry Day on 27 November 2013, the PTE panel developed a set of recommendations for change. These were posed to the relevant Cabinet members who have worked closely with service manager to develop their response. This report introduces these responses, the full details of which are outlined at Appendix one.

2. RECOMMENDATION

- 2.1 **This report recommends that PTE panel members review and discuss the responses provided by the Cabinet members to the panel's recommendations for change regarding urban gulls outlined at Appendix one.**

3. RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 A key consideration for the Cabinet members in determining their response to the recommendations has been resource requirements, in particular financial implications.
- 3.2 Where relevant, resource implications are acknowledged in the responses in two main ways:
- where a recommendation is accepted and there is a recognised resource requirement, the potential impact of this requirement and/or the potential solution has been included in the response
 - where a recommendation is deferred or rejected due to (at least in part) resource issues, the barrier to delivery is explained.
- 3.3 This work will be undertaken within existing resources and there will be no additional financial impact. Any exception to this will require managing of a budget to absorb these costs or a potential further decision in line with the council's budgetary processes.

4. STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 There are three main pieces of legislation which have informed the approach to the review and the development of 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 bird from unlawful killing or disturbance.
- 4.2 All recommendations and the Cabinet responses fulfil the requirements of the council's and other legal and gull conservation duties.

5. THE REPORT

- 5.1 At the last panel meeting on 14 January, the PTE panel agreed a set of 22 recommendations for change to support the vision of reducing the urban gull population in Bath and the impact that their presence has on local places and people. These recommendations were framed under six high-level themes, including:
1. Limit gulls' access to food waste
 2. Increase use of effective gull intervention methods
 3. Carry out effective enforcement against those who break the rules
 4. Improve education and engagement with businesses, residents and visitors
 5. Undertake further research and utilise shared learning
 6. Work with the Severn Estuary Gull Action Group to lobby Government to take more action.
- 5.2 The vast majority of the panel's recommendations were posed to Cllr Dixon, Cabinet member for Neighbourhoods. However, two recommendations were more relevant to other portfolios. Therefore, Cllr Bellotti, Cabinet Member for Community Resources, and Cllr Tim Ball, Cabinet Member for Homes and Planning and Ben Stevens, Cabinet Member for Sustainable Development, have also provided responses.
- 5.3 Full details of the Cabinet member decision on each recommendation, the timescales for implementation (where relevant) and the rationale for the decision are outlined at Appendix one. A summary of the response collated by an 'accept', 'defer' or 'reject' response is below.

Accepted recommendations

(To be implemented (or already being implemented) by the council and/or partners in the near future)

- 1.1 Require all businesses to take responsibility for adequately containing food waste through the use of gull-proof sacks and cooperating with waste collection times.
- 1.2 Educate residents on waste and recycling procedures and obligations and assert the use of food caddies or galvanised bins in all cases.
- 1.5 Work with owners of guest houses and self-catering holiday apartments to advocate more accessible and better information for visitors about correct disposal of food waste.
- 1.6 Work in partnership with the Business Improvement District (BID) to campaign a) commercial waste collectors to supply gull-proof sacks to all businesses and b) businesses to commission responsible commercial waste collectors.
- 2.3 Lead by example by treating the council's own buildings with appropriate intervention methods, and share experiences and good practice.
- 3.1 Enforce stronger penalties for littering in identified 'hot spots' such as parks, car parks and around outdoor seating area.
- 3.2 Broaden use of online and other communications tools by the enforcement team to include recognition of responsible businesses and actively share performance information on penalties and convictions to broadcast a strong message to the public on enforcement against persistent offenders. This will also enable the service to better monitor trends.
- 4.1 Plan and deliver a strengthened and consistent communications campaign to educate the public and enforce a more coordinated approach.
- 4.2 Provide clear and consistent guidance on individuals' and businesses' rights and responsibilities to tackle urban gulls, through a) a 'one-for-all' leaflet with top 10 tips for how to lessen individual and business impact on gull numbers, b) specific guidance to target residents, businesses and visitors using the notion of 'respect our city', and c) ensuring business and property owners, and residents are made aware of their legal rights and responsibilities under the general licence issued by Natural England.
- 4.3 Train public protection officers on options for businesses and building owners to tackle gulls to share whilst on routine inspections.

- 4.4 Recognise excellence through new gull champions – those who are passionate about the need to work together to tackle the gull problem and lead by example.
- 5.2 Build on the existing link to the Severn Estuary Gull Action Group to improve shared learning on best practice and work across boundaries for a more joined up approach.
- 6.1 Lobby Government, via the LGA, to tackle urban gull issues at national level by providing advice and support to councils, informed by a national study of good practice.
- 6.2 Lobby for clearer definitions in law on littering, in particular in relation to food waste, and better defined rules on offender enforcement within the ASB Bill.

Deferred recommendations

(To potentially be implemented or rejected following further research, discussion and/or consideration of the allocation of resources)

- 2.1 Urge building owners and/or occupiers to undertake their own egg replacement by providing free replacement eggs and promoting relevant information and advice.
- 2.4 Further explore the ‘Australia’ model of developing nesting areas outside of the city centre, with a view to developing a pilot site if viable. These sites include nesting platforms to encourage nesting in locations where it is easier to oil/prick eggs.
- 5.1 Promote and lead a joined up approach to tackling the gull population through development of a cohesive gull strategy that includes: the true extent of the gull problem and how people suffer as a result; defined rights and responsibilities for the council, the public and businesses; the short, medium and long term vision; an overview of what is already being done; themed objectives and actions for improvement; defined benchmarks for success; timetable for evaluation and review; and the approval of Natural England.

Rejected recommendations

(To be halted with immediate effect with no further research or discussion required)

- 1.3 Introduce night-time refuse collections to limit the length of time food waste is left on the streets.
- 1.4 Pilot red plastic refuse sacks to ascertain whether this discourages gulls from attempting to get waste and, if successful, roll out to all appropriate city residents.
- 2.2 Campaign for gull-proofing of new buildings through the B&NES planning application process and planning guidance.
- 5.3 Discuss the impact of landfill with other local councils and options to limit gulls’ access to food at these sites.
- 6.3 Campaign for a further reduction of food waste to landfill, with the specific aim of covering or closing exposed landfill sites and reducing the food source for gulls.

6. RATIONALE

- 6.1 Full details of the decision on each recommendation, timescales for implementation (where relevant) and the rationale for the decision are outlined in Appendix one.

7. OTHER OPTIONS CONSIDERED

- 7.1 The recommendations put forward by the panel have been considered as potential opportunities for improvement and change and responded to accordingly by the relevant Cabinet members. This has been an extremely comprehensive process informed by a range of sources and supported by service officers with expert knowledge in the field.

8. CONSULTATION

- 8.1 The responses to the recommendations have been provided by the following Cabinet members:
 - Cllr David Dixon, Cabinet Member for Neighbourhoods
 - Cllr David Bellotti, Cabinet Member for Community Resources

- Cllr Tim Ball, Cabinet Member for Homes and Planning
- Cllr Ben Stevens, Cabinet Member for Sustainable Development

8.2 The responses have been informed by the expertise of the following service officers:

- Matthew Smith, Divisional Director for Environmental Services
- Sue Green, Service Manager – Public Protection
- Cathryn Humphries, Team Manager - Health and Environment (Licensing and Environmental Protection)
- Aled Williams, Environmental Protection Manager
- Sarah Alder, Waste Strategy and Contracts Manager
- Lisa Bartlett, Group Manager – Development Control
- Andrew Pate, Strategic Director for Resources
- Derek Quilter, Divisional Director – Project Management
- Richard Long, Estates Manager

8.3 In addition, the following organisations/individuals have been consulted throughout the review and have provided the evidence and/or ideas used to develop the recommendations.

- Local people and organisations, including:
 - the Business Improvement District and 91 SMEs from across B&NES
 - 30 members of the public
 - the Federation of Bath Residents' Associations
 - the Bath Faith Forum
- B&NES staff and members, including those mentioned above and others with an interest in gulls and conservation, and
 - section 151 officer
 - the Monitoring Officer
- National organisations, including:
 - The Department for Food and Rural Affairs (Defra)
 - the RPSB
- Experts, including:
 - Peter Rock, Ornithologist
 - Pest control organisations
- Other neighbouring and national councils
- Other organisations, including:
 - Avon Fire & Rescue Service
 - local and other universities and colleges, and their students

9. RISK MANAGEMENT

9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the council's decision making risk management guidance.

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Background papers	<i>Scrutiny Inquiry Day agenda and papers and PTE PDS discussion of review report and draft recommendations – both available on the 'council and democracy' pages of the website</i>
Please contact the report author if you need to access this report in an alternative format	