



## Portfolio Holder Report

The portfolio holder will make a decision on this item after seven days have elapsed (including the date of publication).

Report of:	Portfolio Holder	Date of publication
Mark Broadhurst, Director of Health and Wellbeing	Cllr Vivien Taylor, Health and Community Engagement Portfolio Holder	13 July 2017

**To agree a consultation process to introduce a Public Space Protection Order (PSPO) to prevent members of the public from feeding seagulls.**

### 1. Purpose of report

- 1.1 To approve a consultation process, relating to the introduction of a new PSPO to prevent members of the public feeding seagulls in identified areas.

### 2. Outcomes

- 2.1 A consultation on whether to introduce a PSPO to prevent members of the public from feeding seagulls is undertaken.
- 2.2 The outcome of the consultation will help inform the Council whether to proceed with the introduction of the PSPO.

### 3. Recommendation

- 3.1 That a consultation process be undertaken to consult on a potential new offence to be included on a PSPO, preventing members of the public from feeding seagulls in identified areas.

### 4. Background

- 4.1 Public Spaces Protection Orders are designed to stop individuals or groups committing anti-social behaviour in a public space. They form part of the Anti-Social Behaviour, Crime and Policing Act 2014. Councils can issue a Public Spaces Protection Order (PSPO) after consultation with the Police, Police and Crime Commissioner and other relevant bodies. The Council must also consult whatever community representatives they think appropriate. This could relate to a specific group, for instance, a residents

association, or an individual or group of individuals, for instance, regular users of a park. They can be enforced by Police Officers, Police Community Support Officers, and officers authorised by the council. The maximum duration of a PSPO is three years, but they can last for shorter periods of time where appropriate (Home Office guidance 2014).

- 4.2** During the breeding season for seagulls, but particularly during the months of July and August, reports of attacks on members of the public increase. Brought about by the current year's breeding cycle, the adult birds take it upon themselves to protect their young, by swooping down upon anyone they perceive as a threat. Between 2010 and 2016 Wyre Council received 49 reports of incidents of this nature.
- 4.3** During the course of 2016 Wyre Council ran repeated social media campaigns asking residents and members of the public to keep their rubbish sealed and not to feed seagulls. The campaign attracted significant interest from the public, indicating that the problem is more widespread than the actual reports suggest. Unfortunately the practice of feeding the seagulls still continues, which emboldens the seagulls and helps support the growing seagull population.
- 4.4** Research has shown that seagulls are having larger broods than they did traditionally, probably due to the lack of predators and the advantages of food close by. Seagulls often live for between 25-30 years and this, combined with growing brood size, have caused an increase in the seagull population.
- 4.5** By reducing the availability of food, it is hoped that the seagull population can be limited to current levels or even reduced. Over time this would reduce the number of attacks by the birds on members of the public. Therefore the report seeks approval to consult on the introduction of a PSPO to prevent the feeding of seagulls encompassing both Fleetwood Cleveleys and Knott End see appendix 1.

## **5. Key issues and proposals**

- 5.1** It is recognised that the additional power and some of the changes proposed which will form part of this consultation have the potential to be controversial. However the uncontrolled seagull population growth continues to be a major concern for our residents and equally frustrating for the Council.
- 5.2** The Council would rather officer time and resources be spent on other service areas, and a more responsible attitude to the feeding of seagulls be promoted.
- 5.3** In order to introduce a PSPO the Council has to be satisfied on reasonable grounds that the following conditions are met: that activities carried on in a public place have had a detrimental effect on the quality of life of those in the locality and that the effect of those activities is likely to be persistent or continuing in nature and justifies the restrictions imposed.

This test is considered to be met for the following reasons:

- Reported physical attacks on humans in Wyre by seagulls is increasing – 49 between 2010 and 2016.
- There is evidence of some members of the public feeding the seagulls.
- Widespread social media interest in Wyre’s 2016 campaign asking the public to keep rubbish sealed and not to feed seagulls indicates that the problem is under-reported.
- Noise pollution by gulls can also cause problems for visitors and residents and at its most severe can disrupt sleep. Changes in their environment have taught these birds to increase their activity throughout the night and research suggests that the noise from seagulls is moderate during courtship but greatest once chicks have hatched.
- Seagull excrement contains high levels of bacteria, much higher than treated human waste. There is reason to believe that the excrement from the ever increasing seagull population may also have an impact on local bathing water quality. In order to reduce that impact, Wyre Council are already asking residents and visitors not to feed the seagulls as part of a Love my Beach campaign.
- Property damage caused by seagulls should also be considered. This can range from blocked gutters caused by the fouling which can lead to water ingress into the building, to damaged rooftops where insulation surrounding pipes and air conditioning systems have been severely damaged and even reports of lead being ripped up. These hidden costs are difficult to evaluate.

**5.4** The consultation process will be conducted in accordance with Cabinet Office Guidelines. In order to ensure that Parish/Town Councils and collective groups/organisations can consider these proposals within their meeting cycle the consultation period will be conducted over a minimum of 6-8 weeks. The proposals will also be circulated to a wide variety of interested parties including the Police Crime Commissioner, Lancashire County Council, Friends of the Parks Groups and the Royal Society for the Protection of Birds. It will also be open to individual members of the public to respond. Consultation responses will be promoted through the council’s on-line portal, however paper copies will be made available at public buildings and on request. The consultation will be further publicised through the web, media and social media outlets.

**5.5** It is anticipated the consultation will take place as soon as possible. The results of the consultation exercise will be used as the basis for a further report by the Portfolio Holder.

**5.6** If the PSPO is adopted it is intended that the Council would follow the practice of other Local Authorities and the introduction of this new power would be preceded by a substantial educational campaign and the use of an informal approach certainly in the first few months of operation.

- 5.7 The Council has already agreed in April 2015 that an offence under the ASB Regulations, would result in a penalty to the value of £100.
- 5.8 The consultation process will offer the public the opportunity to affirm their support for important legislation to control anti-social behaviour arising out of the irresponsible feeding of seagulls.
- 5.9 The maximum duration of a PSPO is three years but they can last for shorter periods of time where appropriate. At any point before expiry, the Council can extend a PSPO by up to three years.
- 5.10 It is envisaged that the new offence will be enforced on a complaint led model, identifying hot spots where the offence is taking place.

Under the Wildlife and Countryside Act of 1981 all birds are protected including seagulls. There are some situations where species may be controlled or culled but this is unlikely in a domestic seagull situation and therefore the introduction of a PSPO to prevent the excessive feeding of seagulls is seen as a proportionate response to the current situation in Wyre.

## 6. Delegated functions

- 6.1 The matters relating to seagulls referred to in this report are considered under the following Executive Function delegated to the Health and Community Engagement Portfolio Holder (as set out in Part 3 of the Council’s Constitution): “To consider issues relating to environmental health functions in accordance with the Council’s policy in relation to the Council’s powers and duties under the provisions of the Public Health Acts and other statutory provisions as relate to public health and hygiene, food, animal welfare, public safety, home safety and shops except functions listed in Schedule 1 of the Local Authorities (Functions and Responsibilities) England Regulations 2000.”

<b>Financial and legal implications</b>	
Finance	The cost of the consultation process will be met from within existing environmental and community safety budgets.
Legal	The consultation process for the proposed PSPO will be conducted in accordance Cabinet Office Guidelines and the Anti-Social Behaviour Act 2014.  The proposed PSPOs would introduce new controls for preventing the feeding of seagulls. A legal process would need to be followed with the appropriate consultation and these views considered by the Portfolio Holder before any decision is reached. -.



### **Other risks/implications: checklist**

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

<b>risks/implications</b>	<b>✓ / x</b>
community safety	✓
equality and diversity	x
Sustainability	✓
health and safety	x

<b>risks/implications</b>	<b>✓ / x</b>
asset management	✓
climate change	x
data protection	x

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<b>List of background papers:</b>		
name of document	date	where available for inspection
None		

### **List of appendices**

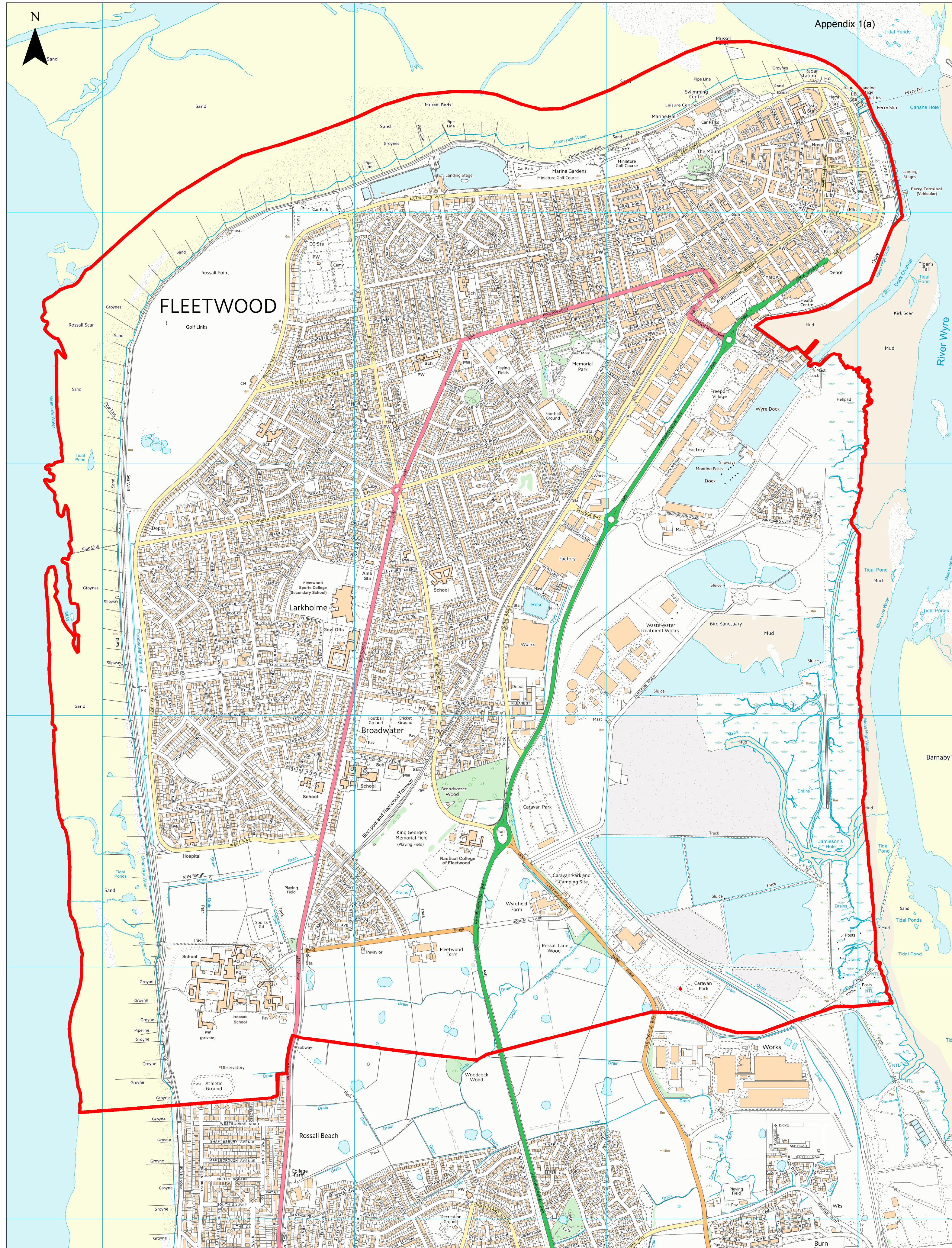
1. Map of proposed PSPO area.

arm/ph/hc/cr/17/0007ng1



# Seagull PSPO Fleetwood

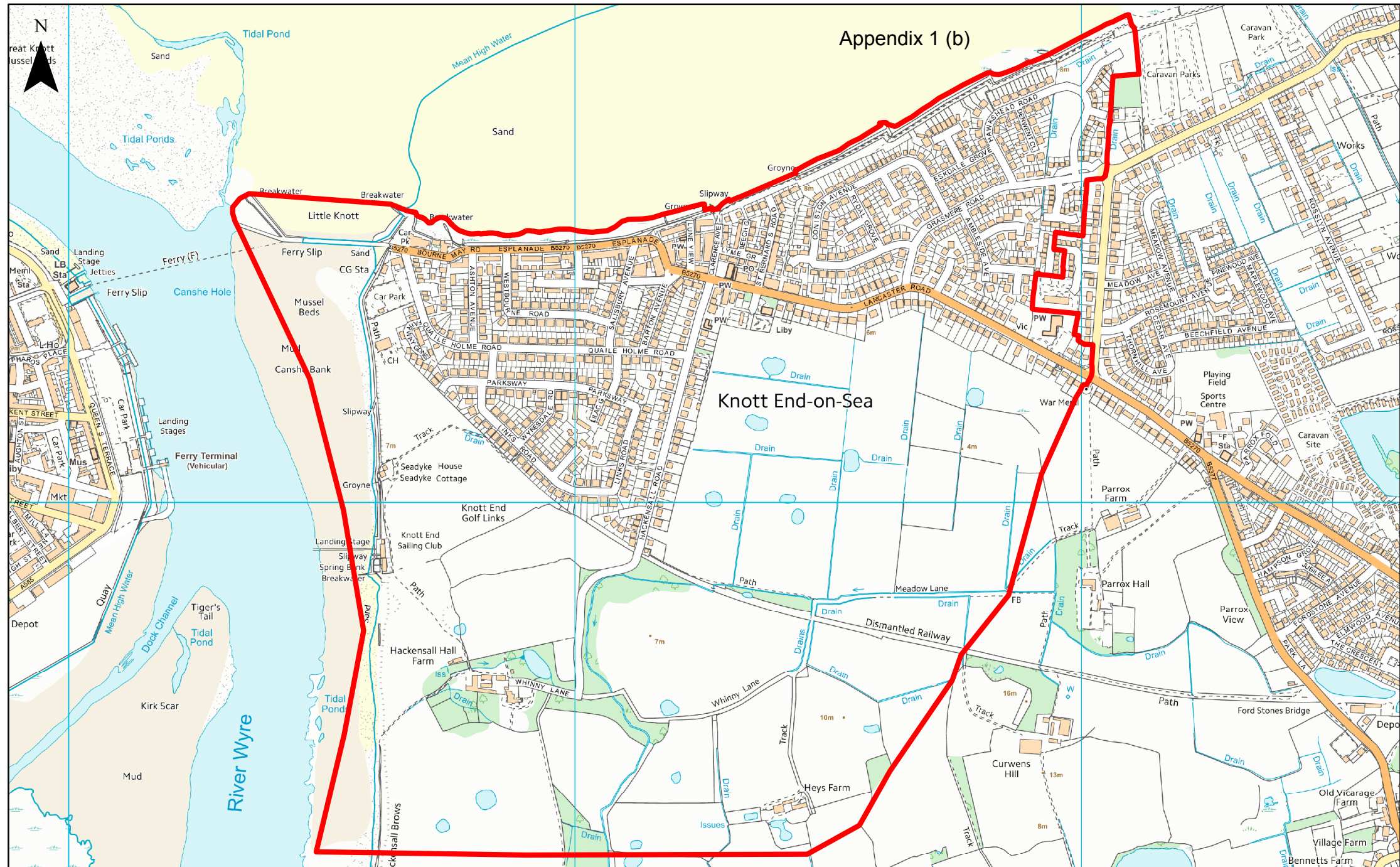
Appendix 1(a)





# Seagull PSPO Knott-End-On-Sea

Appendix 1 (b)





# Seagull PSPO Thornton Cleaveleys

Appendix 1(c)

