

	<p><b>REPORT TO CABINET TO BE HELD ON 12 December 2017</b></p>
	<p><b>Key Decision</b>                      <b>YES</b></p> <p><b>Forward Plan Ref No</b>        n/a</p>
<p><b>Corporate Aims People/Place</b></p>	<p><b>Cabinet Portfolio Holder</b>                              <b>Cllr Bill Chatt</b></p>

**REPORT OF: Director (LD) - 17/266**

**WARDS AFFECTED: All**

**SUBJECT: LOCAL GULL POPULATIONS AND PUBLIC NUISANCE PROJECT – EVALUATION OF ACTION PLAN IN 2017 AND PROPOSED ACTION PLAN FOR 2018**

**RECOMMENDATION (S):**

To provide an evaluation of the Action Plan in 2017. Furthermore, to seek approval from Members on a proposed action plan to take forward in 2018.

**REASON FOR RECOMMENDATION (S):**

The purpose of this report is to provide feedback on the delivered action plan for 2017 and agree an action plan the Council can take forward into 2018 to continue addressing the ongoing public nuisance issues caused by the local gulls' population.

**HIGHLIGHTED RISKS:**

See Risk Matrix.

**1. INTRODUCTION**

- 1.1 An action plan in 2017, to minimise the public nuisance impact of local gull populations, was approved by the Council's Overview and Scrutiny Board at its meeting on 11 January 2017 (reference 17/006).

- 1.2 Since then a number of Council officers, from across a number of services, have assisted the Environment and Regulation Manager in implementing the various actions in this plan. The original Action plan, along with what has been subsequently carried out is reproduced in **Appendix A**.
- 1.3 Cabinet at its meeting on 14 February 2017 (reference:17/40), gave its approval to enter into a contract with NBC Environment to provide a disruption and dispersal programme for herring gulls during the nesting season of 2017 (April to August). It was also agreed at this meeting to review this programme at the end of 2017 to evaluate its effectiveness and decide whether a further programme should be continued in future years.
- 1.4 A proposed action plan for 2018 has been drawn up and submitted for Members consideration and approval. This Action plan, which was considered and supported by members of the Overview and Scrutiny Board on 1 November 2017, is shown in **Appendix B**.

## **2. CORPORATE AIMS**

- 2.1 Minimising the impact of public nuisance caused by the local gull populations contributes to “People” and “Place” priorities within the Council’s Corporate Plan.

## **3. BACKGROUND AND ISSUES**

### **Review of Action plan in 2017:**

- 3.1 Most of the agreed actions reproduced in **Appendix A** have been successfully implemented. However, members will be aware that this is an on-going project that will require further measures to be implemented over a number of years to effectively minimise, in the long term, the public nuisance caused by the local gull populations. It is important to stress that this is not the sole responsibility of the Council. It is the collective responsibility of all building owners and occupiers (proofing against gull nesting) and residents, visitors, local businesses (not to feed the gulls and not leaving litter/waste which encourages scavenging).
- 3.2 One of the key successes of the action plan in 2017 was the disruption and dispersal programme for herring gulls that was delivered on behalf of the Council by NBC Environment. This programme was confined to seafront locations in Whitby harbour and Scarborough’s South Bay, where the Council’s own data suggested most “gull mugging” incidents took place. Council officers who liaised with NBC Environment found them to be open, transparent and competent at undertaking this programme. No complaints were received about their work. In terms of the number of herring gull nests and eggs removed throughout the nesting season in 2017, a total of 499 nests and 852 eggs were disposed of across all areas covered in the contract. This included 354 nests and 634 eggs in Scarborough and 145 nest and 218 eggs in Whitby. Most eggs were removed in the months of May and June 2017.

- 3.3 In order for visitors, local residents and businesses to enjoy the benefits from the programme described in paragraph 3.2 above, in the longer term, it is recommended to repeat it, at least in 2018. In doing so, some of the adult population of herring gulls may be deterred from returning to nest in the areas where the programme is in place. The Council has allocated funding of up to £36,500 in 2018/19 to continue with this programme.
- 3.4 The other key success in the action plan for 2017 was the installation of prominent and eye catching seagull signage across Whitby, Scarborough and Filey. Their purpose was to promote to visitors and residents the key messages of “don’t feed the gulls” and “don’t drop your litter”. In total about 66 signs were erected in seafront locations where people tended to congregate to eat their takeaway foods (e.g. communal seating areas next to the seafront). A total of five public information days were organised to promote these key messages to the public and the work we were doing. These days did attract some local and regional media interest and coverage. Four of these days coincided with public holidays, i.e. end of May and during the summer holidays.
- 3.5 There are some actions included in the plan last year that will need to be carried forward into 2018 that have not been fully addressed so far. This was mainly due to them being long term strategic aims that need much wider coordination or consultation with external agencies and likely to require more staff/financial resources than were available when last year’s plan was approved. For example: exploring a coordinated displacement programme of Scarborough’s urban nesting kittiwakes away from built up areas. Dialogue has already started with key stakeholders such as representatives from RSPCB, Environment Agency, the Police and East Riding Council, which will be progressed going forward with this project.
- 3.6 The Council have continued to monitor and evaluate data submitted via the on-line “gull mugging” reporting form. This was launched in March 2016 to enable victims of seagulls, who were either directly attacked or had food stolen from them, to inform us so an evidence base could be established to assess the size of this problem. From March to the end of December 2016 a total of 36 such reports were made to the Council. So far in 2017 (from January to November) a total of 41 incidents were reported, of which 4 occurred from January to the start of March 2017. The following data was obtained from these reports:
- a) Although slightly more reports of “gull muggings” have been notified to the Council so far in 2017, compared to 2016, it is important to note that the on-line form was not launched until the 3<sup>rd</sup> month into 2016. Furthermore, it is quite conceivable that this facility is better known now compared to when it was launched, so visitors/residents may be more likely to report issues they encounter.
  - b) 58 out of the total of 77 reports of gull muggings came from the Scarborough area. A further 17 came from Whitby and one each from Fylingthorpe and Filey. The most common locations where reported muggings took place in Scarborough were on Westborough (14), around seafront sites (18) such as

Foreshore Road; the Quay; and South Beach. In Whitby these were on Pier Road or Battery Parade (9).

- c) 53 victims described food being stolen from them by seagulls and the other 24 mentioned being directly attacked by gulls.
- d) Most reported gull muggings occurred in the months of July (25), June (13) and May/August (10 each).

3.7 Excluding staff resources involved in delivering the action plan for 2017 and costs to the Council of undertaking proofing measures to its buildings, a total of approximately £31,543 (excluding VAT), including the contract with NBC Environment, has been spent on this project so far in 2017.

### **Proposed Action Plan for 2018:**

3.8 The proposed Action plan reproduced in **Appendix B** seeks to build on the successes from 2017 to address, in the longer term, on-going concerns in relation to public nuisance caused by local gull populations. As emphasised in the previous report to Members it requires partnership working, not only between relevant Council services, but also external stakeholders, such as the Police, RSPCB, Natural England, local businesses and residents/visitors.

3.9 It is not proposed to carry out another mailshot letter to commercial occupiers/owners close to the coastal areas in Whitby, Scarborough and Filey. In 2016 and this year it did not lead to any discernible increase in buildings being proofed against seagulls. Furthermore, it is not intended to engage with North Yorkshire CC to persuade them to proof the Spa Bridge against kittiwake nesting in 2018. However, as was mentioned in paragraph 3.5 above, we will be in dialogue with key stakeholders such as the RSCPB and Police to consider alternative displacement strategies for the local kittiwake population next year.

3.10 As was mentioned in paragraph 3.3 above it is recommended to employ the services of a specialist company in at least 2018 to repeat this year's disruption and dispersal programme for herring gulls. At the Overview and Scrutiny Board meeting on 1 November 2017 this proposal was supported to include specific sea front locations in Whitby, Scarborough and Filey.

3.11 It should be noted that if members agree to a future disruption/dispersal programme, a tendering/procurement process will need to be undertaken to invite quotations from specialist companies. The Council would explore opportunities to engage relevant partner agencies/stakeholders (those who would directly benefit from reduced presence of gulls) to contribute funding for this programme, in order to offset the financial commitment of the Council.

3.12 Other actions that were proposed in 2017, which were not carried out, due to limited staff resources, were around extending the promotional work of the project. It is therefore proposed to carry these forward into 2018. Examples include to contact the major suppliers of chip boxes to our local food establishments to explore the possibility of having key messages, such as "don't feed the gulls" and "don't drop your litter", printed on these boxes so

that they are seen by customers buying takeaway foods. Furthermore, it is recommended to explore opportunities to undertake outreach on the public nuisance caused by gulls in local Schools. The aim being to raise awareness of the issues in our children.

## **4. CONSULTATION**

- 4.1 The proposed action plan reproduced in **Appendix B** was considered and recommended for adoption by the Council's Overview and Scrutiny Board at its meeting on 1 November 2017.

## **5. ASSESSMENT**

- 5.1 Please see paragraphs 3.1 to 3.12 of this report and **Appendices A and B** – review of action plan in 2017 and proposed plan for 2018, respectively.
- 5.2 The RSPB have expressed their concerns that the Council's disruption and dispersal programme was not carried out in accordance with Natural England's "General licence" conditions. This "general licence" permits the Council to carry out a range of otherwise prohibited activities against species of wild birds (including herring gulls). This includes removal of herring gull nest and eggs from buildings. The licence may only be relied upon where the activities are carried out for the purpose of preserving public health or public safety. The RSPB believe that our programme does not meet these criteria and is only being done to deal with public nuisance. However, it is the author's view that the evidence of the gull muggings data shows that, in specific areas of the borough, herring gull nest and egg removal can be justified on grounds of preserving public health or public safety. It should be noted that the Council are keen to work with the RSPB to evaluate the long term effectiveness of this programme and are prepared to assist in any future research in this regard.

## **6. IMPLICATIONS**

### **Policy**

- 6.1 There are no new policy implications for the Council that arise from this report.

### **Financial Implications**

- 6.2 There will be no additional financial implications for the Council that arise from this report. Funding has already been committed to employing the services of a specialist contractor to implement a herring gull disruption and dispersal programme in at least 2018. All other actions proposed in **Appendix B** will be carried out within existing staff/financial resources.

### **Legal**

- 6.3 The Council has a range of legal and discretionary powers in relation to addressing the nuisance caused by the activities of local gull populations. There are no new legal implications arising from this report.

### **Equality and Diversity**

6.4 No implications.

### **Communications**

6.5 The content within the action plan (**Appendix B**) outline how these proposals are intended to be publicly communicated.

6.6 I have considered whether the following implications arise from this report and am satisfied that there is no identified implication that will arise from this decision: staffing, planning, Crime and Disorder, Health and Safety and Environmental.

## **7. ACTION PLAN**

7.1 Approve the action plan reproduced in **Appendix B** for adoption in relation to reducing the public nuisance caused by seagulls.



**Lisa Dixon**  
**Director**

**Author: Jonathan Bramley, Environment and Regulation Manager**

Telephone No: 01723 232506

E-mail address: [jonathan.bramley@scarborough.gov.uk](mailto:jonathan.bramley@scarborough.gov.uk)

**Background Papers:**

None.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT THE AUTHOR.



## Glossary of Terms

Risk

An event which may prevent the Council achieving its objectives

Consequences

The outcome if the risk materialised

Mitigation

The processes and procedures that are in place to reduce the risk

Current Risk Score

The likelihood and impact score with the current mitigation measures in place

Target Risk Score

The likelihood and impact score that the Council is aiming to achieve

Service Unit Manager

The Service Unit or Officer responsible for managing the risk

Action Plan

The proposed actions to be implemented in order to reduce the risk to the target score

## Risk Scoring

Impact	5	[Hatched]				
	4	[ ]	[ ]	[Hatched]		
	3	[Shaded]	[ ]	[ ]	[Hatched]	
	2	[Shaded]	[Shaded]	[ ]	[ ]	[Hatched]
	1	[Shaded]	[Shaded]	[Shaded]	[ ]	[ ]
		A	B	C	D	E
	Likelihood					

### Likelihood:

A = Very Low

B = Not Likely

C = Likely

D = Very Likely

E = Almost Certain

### Impact

1 = Low

2 = Minor

3 = Medium

4 = Major

5 = Disaster