

**CHELTENHAM BOROUGH
COUNCIL**

URBAN GULLS

**SCRUTINY TASK GROUP
REPORT**

November 2018



EXECUTIVE SUMMARY

A review of Urban Gulls was initiated by the Overview and Scrutiny Committee in June 2018, following a high level of dissatisfaction about the Council's response to controlling the urban gull population in residential areas.

Research suggests that the number of urban gull colonies has increased from 239 in 2000 to 473 in 2015, as a result of higher temperatures in towns allowing earlier breeding, street lighting allowing night time foraging, our refuse, on-street waste and landfill sites which provide an excellent food source and also buildings which provide safe nesting sites away from natural predators.

The group considered the key problems caused by urban gulls including noise nuisance, potential health risk and damage to buildings from gull droppings, as well as the challenges in finding and treating their nests. The group considered a range of evidence and spoke to a number of key partners, including Ubico and the Cheltenham Business Improvement District (BID) as well as looking at best practice from Gloucester City and Bath & North East Somerset Councils. They also consulted with 64 local residents and business owners via an online survey and drop-in session to understand the extent of the problem. They concluded that key to addressing the issues was denying habitat, i.e. make successful nesting in Cheltenham less easy through treating more gulls eggs each year and encouraging businesses and residents to gull-proof their own properties, reducing access to food sources, including food waste, litter etc, and the need for Cheltenham Borough Council (CBC) to take a strategic lead, working alongside partners, residents and businesses to tackle the problem together.

As such, the Task Group recommends:

A Strategic Approach

- 1) Increasing the budget available to control the Urban Gull population in the 2019-20 budget by £10k;
- 2) Creating a written Urban Gull Strategy, setting out CBC's approach to controlling the urban gull population;
- 3) The Leader of CBC to write to the Government to ask them to reconsider funding national research on urban gulls;
- 4) Establishing what powers the council has to enforce property owners to gull proof their property or treat nests on their property and ask Alex Chalk MP to press for any legal loopholes in these powers to be addressed at a national level;
- 5) Using part of the proposed increase in the urban gull budget to develop a media plan that will raise awareness of the issues around gulls;
- 6) Considering a community project which engages local universities, businesses and communities in research, similar to Bath and North East Somerset Council, to record the extent of the gull population in Cheltenham.

Increase the Number of Eggs Treated in Residential Areas;

- 7) Purchase a drone to survey for nests subject to necessary regulations, any unplanned costs associated with this to be met from the proposed increase in the overall gulls budget.
- 8) Explore whether it is possible to seek an informal arrangement with Gloucestershire County Council to get roads temporarily closed more easily, to allow a more nimble approach to treating nests.

- 9) Recognising that in the short timescale available it will not be possible to find and treat every nest, CBC should take a more proactive approach to treating nests on residential properties. Where CBC cannot safely access the property to treat the nest, give information to property owners about private contractors who may be able to undertake this work.

Effective Management of Waste

- 10) Conduct a review of existing litter bins in Cheltenham to determine how many of Cheltenham's existing bins can be retro-fitted with gull-proof flaps, or changes to the aperture (opening). When litter bins are due to be replaced, they should be replaced with gull-proof bins and the Cabinet should consider whether 'Belly Bins' might be a value for money longer term investment.
- 11) Replace the food waste storage bins at the Swindon Road depot and ensure the 'spotting compound' is cleared frequently. Review if moving the food waste bins into the shed area makes a difference during the nesting season 2019.

Planning and Licensing

- 12) Place a condition on any new planning consent for takeaways (in new buildings or change of use applications) that they must provide a gull-proof bin outside of the premises.
- 13) Place a condition on licensing permissions for mobile catering units that they have a gull-proof bin whilst trading.
- 14) Through the planning process seek to 'design out' opportunity sites for gulls to nest on new buildings, either by the design of roofs, or conditions seeking gull-proofing.
- 15) Produce a Supplementary Planning Document (as B&NES and Gloucester City Councils have) with advice on gull-proofing buildings.

Working with the Business Community

- 16) Work alongside the Cheltenham BID and other business organisations to consider the possibility of sponsorship of gull-proof litter bins
- 17) Work with the BID and other business organisations to encourage traders to present their waste correctly.
- 18) Receive feedback from Cheltenham BID on how effective the red and white chequer boards were.
- 19) CBC should produce an educational leaflet aimed at town centre and commercial businesses, to be distributed via email by the BID, as well as other interested business organisations around January time.

1. INTRODUCTION

- 1.1. A review of Urban Gulls was initiated by the Overview and Scrutiny Committee in June 2018 in response to a request by Councillors Sudbury, Harman, Seacome and Barrell. A high level of dissatisfaction about the Council's response to controlling the urban gull population in residential areas had been expressed to councillors and council officers by residents, as well as members of the Urban Gulls Forum.

“The mental torment of the screeching gulls is a nightmare. Even with windows closed we’re woken every night. Having an adverse effect on tourist income as residents are warning visitors not to come to Cheltenham because of the noise and mess. Needs to be seriously addressed now”.

- 1.2. The problems posed by gulls are no longer confined to seaside towns, as large colonies have now established themselves in the urban realm. The potential health risks, noise nuisance, building damage and scavenging are some of the key challenges local authorities face. As such, it was agreed that an evidence-based review of the current approach and potential solutions was needed.
- 1.3. This report sets out the findings and recommendations arising from the scrutiny review by the scrutiny task group.

2. MEMBERSHIP AND TERMS OF REFERENCE

- 2.1. Membership of the task group:
- Councillor Klara Sudbury (Chair)
 - Councillor Diggory Seacome
 - Councillor Tim Harman
 - Councillor Dilys Barrell
- 2.2. Terms of reference agreed by the O&S committee:
- i. Reducing the availability of food sources – for example through public engagement and education;
 - ii. Fully understanding the barriers/challenges in treating gull nests and considering options that would overcome those barriers/challenges;
 - iii. Making properties less attractive as nesting sites; and
 - iv. Identifying the availability of funding sources/incentives to assist with gull-proofing measures.

3. METHOD OF APPROACH

- 3.1. The task group met on 8 occasions where they considered the various issues around controlling the urban gull population in Cheltenham, including identifying and treating nests, preventing nesting from taking place and reducing food sources.
- 3.2. The group organised a drop-in session which took place at the Municipal Offices on the 10th October. The drop-in session was attended by local residents, members of the Urban Gulls Forum and businesses who shared their experiences of how they are affected by nesting gulls and what they think the council could do to better control the urban gull population in Cheltenham.



Members of the Urban Gulls Task Group at the drop-in session

- 3.3. The drop-in session consisted of a mapping exercise to determine the areas most affected and a survey which attendees were asked to complete (a copy of which is included at Appendix 2 of the report). This survey was also available for interested parties to fill in online and advertised via social media.



Attendees talking to members of the Gull Task Group at the drop-in event

- 3.4. At the drop in session, there were displays of effective gull-proofing measures that can be used on properties to prevent gulls being able to nest and two hawks were also brought along by their handlers to explain how they can be used to deter gulls from nesting. This is an option that has been used this year with success, paid for by local residents, in two roads in Park Ward, Cheltenham.
- 3.5. The group heard evidence from a range of people, namely,
- Mark Nelson, CBC Enforcement Manager;
 - Duncan Turner, CBC Community Protection Officer;
 - Representatives of Ubico;
 - The Cheltenham BID;
 - Alex Chalk MP;
 - The CBC Cabinet Member Andrew McKinlay; and
 - A CBC Planning Officer.
- 3.6. The task group considered a broad range of evidence including:
- The approaches to controlling Urban Gull populations taken by Bath and North East Somerset and Gloucester City Councils;
 - The law relating to the protection of birds and the statutory powers available to control the urban gull population;
 - Practical barriers to treating gull nests in Cheltenham;
 - CBC's current approach to egg oiling;
 - How food waste is stored and handled in Cheltenham by UBICO;
 - What legal powers were available to local councils to compel property owners to gull proof their properties or have nests treated;
 - Experience of CBC's previously offered subsidised gull-proofing measures;
 - The impact on members of the public and the concerns of local businesses affected by gulls.
- 3.7. Members of the task group would like to thank everyone who attended their meetings and contributed to the review and also thank those officers who provided support to the work of the group, particularly Mark Nelson and Duncan Turner.

4. THE EXTENT OF THE PROBLEM

- 4.1. As identified by the scrutiny task group, there is a considerable lack of research into the life-cycle and behaviour of gulls. However, studies from Brown and Grice (2005) highlight that from the period of 1976 – 1994 the population of urban nesting gulls in England increased at a rate of 17% per annum. An article in the Independent, 2015 states that 'research suggests the number of urban colonies has increased from 239 in 2000 to 473 in 2015'. Peter Rock suggests a possible trebling, or even quadrupling of numbers of gulls nesting on roofs since 2000. Conservatively, he suggests 25,000 in the Severn Estuary in 2015 (The Independent, 2015).
- 4.2. Studies suggest that the large influx of gulls to urban areas is a result of higher temperatures in towns allowing earlier breeding, street lighting allowing night time foraging, our refuse, on-street waste and landfill sites which provide an excellent food source and also buildings which provide safe nesting sites away from natural predators. In 2015, the government committed £250,000 in its budget to fund new research that would help tackle the problems that gulls are causing in cities and towns; however, following reprioritisation of Government funding in 2015 this research was scrapped. Several

universities, such as Middlesex University and the University of the West of England are now studying urban gull behaviour and papers about various aspects of the life of gulls are starting to appear.



- 4.3. Herring Gulls and Lesser Black-Backed Gulls nest in the residential areas of Cheltenham and on industrial units in the Kingsditch area. As established by the task group, Gulls have a long lifespan and are social creatures who like to nest in colonies, once a pair gains a foothold others follow. If they breed successfully, they will return year on year and problems caused by increasing gull populations can escalate rapidly. The Professional Pest Controller Magazine, September 2018, states that both Herring and Lesser black backed Gulls generally have a life span of about 30 years and reach sexual maturity at about 4 years old. However, according to Peter Rock (2005) pairs have been known to breed at 3 or even 2 years old and a breeding pair will lay 2-3 eggs per year.
- 4.4. The Pest Control Procedures Manual 2015, produced by the Chartered Institute of Environmental Health identified several key challenges faced as a result of urban gulls:
 - i. **Scavenging and Waste Spillage** – Gulls are attracted by food waste spillages.
 - ii. **Contaminated Objectionable Environment** – Gull droppings contaminate roads, pavements, street furniture, buildings and gardens.
 - iii. **Potential Health Risk** – Birds are known to carry salmonella, campylobacter and E coli bacteria species.
 - iv. **Building Damage and Additional Maintenance and Cleaning** – Buildings can be damaged by droppings and nest material, sometimes blocking gutters and drains causing further problems.
 - v. **Food Safety and Health** – Aerial droppings can contaminate food in different scenarios, including when food is unloaded at manufacturing sites, also bacteria can be introduced into the

food production process through contaminated internal drainage. Bacteria can be brought into the home by such things as footwear, buggies and bicycle tyres.

- vi. **Noise Nuisance** – Early morning first light awakenings (usually around 4:00am) can disrupt the sleep of residents and visitors staying in hotels. The Task Group was told about gull noise causing sleep disturbance by local residents, but found little specific academic research about this. However, in the “Summary of Adverse Effects of Noise Pollution” by Louis Hagler, MD, based on World Health Organisation Guidelines for Community Noise, it is stated that noise pollution is a major cause of sleep disturbance. Noise pollution during sleep causes increased blood pressure, increased heart rate, increased pulse amplitude, vasoconstriction, cardiac arrhythmias and increased body movement. Secondary effects are fatigue, depressed mood and well being, and decreased performance.
- vii. **Gull Attacks** – Attacks by aggressive and competing birds can take place, particularly when they are defending young and around food. The RSPB advises people to avoid areas where birds have chicks or eggs, but if this is not possible to have a hat or umbrella as birds swoop on the highest part of you!
- viii. **Reputational damage** – Because of the noise and other issues associated with large numbers of gulls, the reputation of towns and cities as nice places to live and visit can suffer. Also, the reputation of local councils can be harmed if people believe they are not doing enough to tackle the issue.

5. LEGAL POSITION IN RELATION TO URBAN GULLS

- 5.1. All species of gull are protected under the Wildlife and Countryside Act 1981 and the Wildlife (Northern Ireland) Order 1985. This means it is illegal to intentionally injure or kill any gull, or damage or destroy an active nest or its contents. It is recognised in law, however, that there will be circumstances where control measures are necessary.
- 5.2. Simple nuisance or minor damage to property are not legally sanctioned reasons to kill gulls. The UK administrations can issue licences, which permit nests to be destroyed or even birds to be killed, if there is no non-lethal solution and if it is done to prevent serious damage to agriculture, the spread of disease, to preserve public health and safety and air safety, or to conserve other wild birds (RSPB, 2018).

6. CURRENT SITUATION IN CHELTENHAM AND APPROACH OF THE BOROUGH COUNCIL TO CONTROLLING THE URBAN GULL POPULATION

- 6.1. In 2017/18, to introduce some sustainability to the year-on-year egg replacement programme, it was decided to introduce a small fee for egg replacement and to subsidise bird proofing, if residents decided to take this up. The result was that there was a drop-off in commercial premises that were willing to participate in the egg replacement programme and no residential owners took up the option of subsidised bird proofing. Residents demonstrated an unwillingness to undertake bird-proofing at their own expense, even at a subsidised rate and believed that these works should be funded by the Council.
- 6.2. Before the commencement of this year's gull nesting season, officers explained to the Urban Gulls Forum that, to get best use out of the available resources, commercial premises were to be targeted, which statistically had the greatest population of nesting gulls in Cheltenham. The charges, that reduced participation the previous year, were to be dropped in order that a full programme of commercial premises egg replacement could be carried-out, thereby maximising the impact on the gull population within the resources available. The anticipated reduction in gull population achieved by this approach would benefit residents, businesses and visitors alike.

- 6.3. This approach proved very successful and 408 eggs were treated in 137 nests on commercial premises. The Council was also fortunate to be able to use the resources of the fire authority, which helped with access to roofs to tackle the gull problem in the Tivoli area. The area was surveyed and 4 nests were identified, although only 2 nests were accessible containing 5 eggs, which were subsequently treated.
- 6.4. The current arrangements, whereby council resource is invested mainly in business areas such as Kingsditch and the town centre, are effective in reducing the overall gull population in the town, but are considered ineffective in dealing with problems in often densely populated residential areas.
- 6.5. With the assistance of Enforcement Manager Mark Nelson and Community Protection Officer Duncan Turner, the group identified a number of operational issues which create barriers to effectively treating large numbers of urban gull eggs, particularly in residential areas. These include:
- During the nesting season there is only a short period of time (2-3 weeks) to identify the nests and deal with the eggs;
 - The cherry pickers used for access to find nests and treat the eggs require time to set up and in some cases are unsuitable for particular streets;
 - Nests can often be well hidden and it is therefore difficult to locate them;
 - The fact that road closures are often needed to set the vehicle up;
 - Phone, power lines and trees can hinder the ability to reach nests;
 - Adverse weather conditions can make egg oiling difficult;
 - Nests are sometimes inaccessible to the operator of the cherry picker.

7. THE ROLE OF THE URBAN GULLS FORUM

- 7.1. The Urban Gulls Forum was established some years ago to bring together residents who had raised concerns about the nuisance caused by gulls. Residents attended meetings from areas most affected by the issue including Tivoli, Lansdown, St Luke's and Pittville. The group was attended by Council Members mainly from the areas affected including Cllrs Sudbury, Seacome, Mason and Harman. Mark Nelson, Duncan Turner and other Officers also attended when relevant.
- 7.2. The group put forward ideas from residents about ways of combating the Gulls Issue including the red and white squared chequer board used by one resident successfully to deter nesting and the need to promote gull proofing. Various views were discussed to raise public awareness of the issue and seek more support from CBC. Following a suggestion made at the Group, the Fire and Rescue Service responded to a request to deploy a Fire Snorkel to assist with egg treatments in Tivoli Street and Andover Road. The Fire and Rescue service have offered to help again in the future.
- 7.3. The ideas put forward by the group formed a basis for the recent drop-in session. A number of residents who have supported the group have expressed an interest in remaining involved with helping to improve the Gulls issue and they are a useful network.

8. OUR FINDINGS

The Approach of Bath and North East Somerset

- 8.1. Bath and North East Somerset (BaNES) is a unitary council which has been working with Middlesex University, the University of the West of England, schools and local residents to examine the gull issue. A written gull strategy has been produced for the period 2016-2019. The strategy includes posters on litter bins asking people not to feed the gulls, education and enforcement around correct

presentation of waste, a campaign urging the use of food recycling bins, a leaflet about preventing gulls nesting, door knocking, provision of reusable rubbish bags in certain areas and annual treatment of roofs on 7 council-owned buildings. The planning process is engaged to try to “design out” possible nesting sites. All these measures are intended to reduce the gull’s access to food, and to disrupt habitats. The group believe a similar urban gulls’ strategy should be devised for Cheltenham, outlining the councils approach and strategy for dealing with gulls.

- 8.2. There is an emphasis on creating a partnership between local people, businesses, tourist and public agencies, neighbouring councils and central government. Central government is to be urged to produce a national strategy to mitigate the problems caused by urban gulls (BaNES Council, 2015).

Recommendation - Produce an Urban Gull Strategy setting out Cheltenham Borough Council’s approach to controlling the urban gull population.

Recommendation - The Leader of Cheltenham Borough Council to write to the Government to ask them to reconsider funding national research on urban gulls.

Recommendation - Consider funding a community research project which engages local universities, businesses and communities in a research project, similar to BaNES Council to record the gull population in Cheltenham

Gloucester City Council

- 8.3. The task group made contact with Gloucester City Council to identify what steps they were taking to deal with the issue of urban gulls, following a report in Gloucestershire Live which stated that Gloucester had seen a 35% reduction in the number of nests and a 50% drop in the number of eggs collected by pest controllers (Gloucestershire Live, 2017).
- 8.4. Gloucester has been treating eggs in nests on roofs since 2001. An information leaflet about “preventing nesting on your roof” was produced in November 2016 and is available on the website. It is recommended that ideally, nesting sites should be “designed out” of buildings, or measures taken to deny access to potential nesting sites. Encouragement is given to designers to incorporate this idea when preparing planning applications.
- 8.5. Gloucester uses a private contractor to remove eggs and nests from businesses in the city centre and along Bristol road. Measures to deter gulls are undertaken at their landfill site and gull measures in the city are funded by income from the landfill site (Gloucester City Council, 2018).

Cabinet Member

- 8.6. Members of the Task Group met with the Cabinet Member, Cllr Andrew McKinlay, to discuss the progress of their work, outline the key issues considered so far and possible recommendations. Cllr McKinlay welcomed the holistic approach being taken by the task group and asked them to present a clear set of recommendations particularly in regard to any potential request for an increase in the budget for controlling the urban gull population. Cllr McKinlay indicated that there could be an additional £10,000 available to add to the existing gull budget, subject to a growth bid being submitted and supported.

Recommendation - Increase the budget available to control the Urban Gull population in the 2019-20 budget by £10k.

UBICO

- 8.7. The Task Group met with representatives from UBICO to discuss issues that had been raised about how food waste was handled at the depot. There were concerns that the lids to the bins containing the food waste were often left open and accessible to gulls between use and concerns that the ‘spotting

compound' (the area where the waste from litter bins is stored before it is transferred to Wingmoor Farm) was a potential food source for the gulls. UBICO confirmed that the food waste bins had been moved inside the warehouse and initial indications suggested that this had reduced the numbers of gulls in the area. UBICO advised that the mechanisms for closing the bins were extremely outdated and the deteriorated seals resulted in leachate discharge (liquid material that drains from land or stockpiled material and contains significantly elevated concentrations of undesirable material).

- 8.8. UBICO acknowledged that there were issues with the spotting compound and that this was now being emptied on a more regular basis. The task group were shown a video and a series of pictures of the food waste bins being stored inside the warehouse and the mechanism by which the waste was emptied into it. Members noted that moving towards the breeding season, the management of the site to reduce easy access to food for gulls was critical.



Belly bins can store more waste than traditional litter bins and are gull proof

Recommendation - Replace the food waste storage bins at the Swindon Road depot and ensure the 'spotting compound' is cleared frequently. Review if moving the food waste bins into the shed area has made a difference during the nesting season 2019.

- 8.9. Members also considered issues around public litter bins, as gulls are known to pull food waste from them. The group discussed the potential for gull proof litter bins to be introduced in the town centre and outside takeaways. It was suggested that a planning condition be applied to all new fast food businesses stating that they must have a gull-proof bin outside of their premises. It was agreed that litter bins that had reached the end of their life should be replaced with gull-proof bins.

Recommendation - Place a condition on planning consent for takeaways (in new buildings or change of use applications) that they must provide a gull-proof bin outside of the premises.

- 8.10. Bath, along with other towns and cities such as Worcester, has introduced hi -tech 'Belly Bins' to try to reduce the access gulls have to food waste. These larger bins are solar powered, compress litter, can store more waste and therefore need to be emptied less often. The bins open using a handle or a foot pedal, and are self-closing once litter has been deposited – making it impossible for gulls to pull any waste out of them. There are costs associated with these bins which can be bought as well as leased. There might also be savings if belly bins were considered as a replacement for existing town centre bins because they require less frequent emptying.
- 8.11. It was also established that gull-proof flaps could be installed on litter bins retrospectively although it was unclear if this was possible on the current models used in Cheltenham. Members also discussed the possibility of trialling hessian sacks for use on streets in Cheltenham which did not have space for

wheelie bins, the idea being that residents would place black bags inside of the hessian sacks when refuse was put out for collection so that gulls were not able to pull them apart.

Recommendation - Conduct a review of the existing bins in Cheltenham, to determine how many of Cheltenham's existing bins can be retro-fitted with gull-proof flaps or changes to the aperture (opening). When litter bins are due to be renewed, they are replaced with gull-proof bins and the Cabinet consider whether 'Belly Bins' might be a value for money longer term investment.

Cheltenham BID

- 8.12. The BID provided feedback on behalf of local businesses. The BID had identified that the state of the bins around the town centre was poor and the option of replacing them was being discussed with CBC. It was agreed that it would make sense to replace them with gull proof bins (although there is a need to be conscious of the fact that some of the current bins include a place to stub out cigarettes). It was suggested that the bins that were most scavenged by gulls be replaced first with gull-proof bins.
- 8.13. The BID reported that many of the town centre problems with gulls were caused by businesses failing to put their rubbish out on the right day, or at the right time, meaning there is a potential food source for the gulls. They advised that the BID was currently trying to address this, by working with businesses that do this most frequently. The intention to trial hessian sacks on commercial properties was discussed with the BID, which agreed to support the initiative. The group identified Montpellier as a potential location for the trial, due to the large number of food outlets located there.
- 8.14. The group also discussed the possibility of producing an educational leaflet aimed at town centre and commercial businesses. The BID agreed they would be happy to send it out to those on its distribution list around January time, before the nesting season.
- 8.15. The BID were also interested in the red and white painted chequer board, made and used at a residential property in Cheltenham to discourage gulls from nesting. The BID intended to find two businesses to trial the use of a similar red and white painted chequered board to see if it helped prevent nesting. Members of the Task Group welcomed this suggestion.



Red and white chequer board made by a local resident that has so far stopped gulls nesting on their property

Recommendation - Work with the BID and other business organisations to encourage traders to present their waste correctly.

Recommendation - Receive feedback from Cheltenham BID on how effective the red and white chequer boards were.

Recommendation - CBC to produce an educational leaflet aimed at town centre and commercial businesses, to be distributed via email by the BID, as well as other interested business organisations around January time.

Recommendation - Work alongside the Cheltenham BID and other business organisations to consider the possibility of sponsorship of gull-proof litter bins.

Recommendation - Support Cheltenham BID to find a location for businesses in Montpellier, or the town centre, to trial the use of hessian sacks to store bin bags for presenting at kerbside.

Planning Officer

- 8.16. The Chair of the Task Group met with a member of the planning team to discuss the issues around securing gull proofing to buildings or litter bins for takeaways through the planning process. This is a key issue the group wanted to consider, as both Bath and Gloucester have separately identified the need to take a 'design out' approach to make it more difficult for gulls to nest. This could be by correctly installing gull-proofing measures, but also by encouraging developers' to design their buildings in a 'gull unfriendly' way. As referred to previously, Gloucester City Council has produced a booklet with really valuable advice for developers and anyone interested in gull-proofing their property.
- 8.17. The Planning team advised that new food establishments tend to come about through the change of use of existing buildings, where the options to 'design in' gull-proofing measures are limited. Secure waste and recycling storage facilities are always sought on these types of applications which should limit gull activity. Buildings with large expanses of flat roof can attract nesting gulls they advised that they had attached conditions to schemes of that nature requiring gull-proofing measures. However, the planning department acknowledged that they would need to be careful that such conditions comply with the tests set out in the legislation so it would very much need to be dealt with on a case by case basis.

Recommendation - Place a condition on licensing permissions for mobile catering units that they have a gull-proof bin whilst trading.

Recommendation - Through the planning process seek to 'design out' opportunity sites for gulls to nest on new buildings, either by the design of roofs, or conditions seeking gull proofing.

Recommendation - Produce a Supplementary Planning Document (as BaNES and Gloucester City Councils have) with advice on gull proofing buildings.

Communications

- 8.18. The group established that a programme of education and awareness was key to addressing the problem long term. This would include offering advice on presenting waste correctly, to minimise scavenging and highlighting methods to prevent gulls nesting on roofs. As such, the Chair of the task group met with members of Cheltenham Borough's communication team and discussed the potential for devising a media plan that would raise awareness of the issues around gulls. This could include, for example, 'Feed the Bins not the Gulls' posters, paid for social media campaigns and leaflets. Gull-proofing would also be actively encouraged by providing suitable advice online and through educational material.

Recommendation - Use part of the increase in urban gull budget to develop a media plan that will raise awareness of the issues around gulls.

9. CONSULTATION RESPONSES

- 9.1. At the drop-in session, 20 surveys were completed by members of the public in attendance. It should be noted that some attendees at the drop-in were there as community or business representatives. The same survey was put online and advertised widely in Cheltenham through social media. In total, 64 survey responses were received.

The Task Group acknowledges that given the scale of the survey and response rate, the feedback is not scientific, but rather, provides a flavour of where there are issues as well as useful information on the impact that nesting gulls have on people's lives.

“The gull problem is a community one and has to be dealt with by communal actions for maximum effectiveness”.

- 9.2. As noted earlier in this report, finding gulls nests which are often sited in hidden locations is not easy. Reports of nests being present on a roof are not always correct; also, the nest must be found before the chicks hatch. As the cherry picker takes time to set up and put away and also often requires a road closure to set up, it has proved very difficult with current resources to identify nest sites in residential areas and treat many eggs. The use of a drone, owned by Cheltenham Borough Council and used by a member of CBC staff, would mean that larger areas can be covered more quickly to find nests and identify if CBC would be able to access it via the cherry picker to treat the eggs. The Task Group was therefore particularly interested to hear if members of the public would agree with the use of a drone to identify nest sites. The group also discussed the potential for making an informal arrangement with Gloucestershire County Council, to get roads temporarily closed more quickly, as the time constraints often prove difficult.

Recommendation - Purchase a drone to survey for nests, subject to necessary regulations, any ‘unplanned for’ costs associated with this to be met by the proposed increase in the overall gull budget.

Recommendation - Explore whether or not it is possible to seek an informal arrangement with Gloucestershire County Council to get roads temporarily closed more easily, to allow a more nimble approach to treating nests.

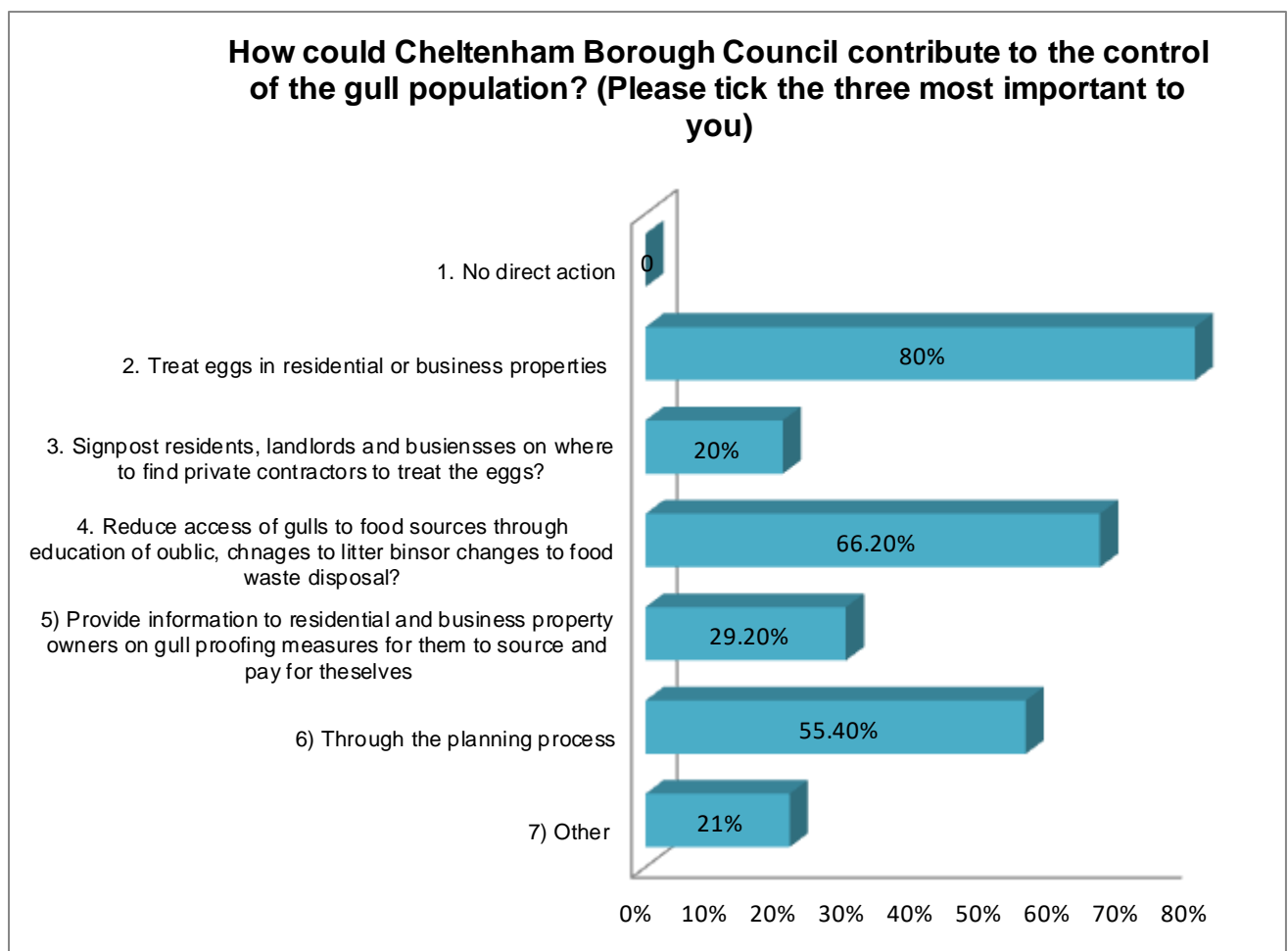
Recommendation - Recognising that in the short timescale available it will not be possible to find and treat every nest, CBC to take a more proactive approach to treating nests on residential properties. Where CBC cannot safely access the property to treat the nest, give information to property owners about private contractors who may be able to undertake the work



The use of a drone could help identify nest sites more effectively

- 9.3. Of those surveyed, 86% of respondents supported the suggested use of a drone owned and controlled by Cheltenham Borough Council, to more effectively identify nests. As far as the Task Group is aware, this is not an approach taken by other Local Authorities but if successful, could make it far more cost effective to find and treat nests in residential areas. The drone would not be equipped to treat the eggs, only to map where there are nests.

- 9.4. The feedback from the Task Group survey showed that 55.9% of the nests identified were located on private houses and 28.7% on a tenanted house/block of flats, 16.9% on industrial buildings and 3.4% on public buildings. Other areas were identified to have a gull problem including schools, playing fields, and balancing ponds on new housing developments.
- 9.5. From the mapping exercise and survey responses, it was apparent that in Cheltenham there are local areas where gulls tend to nest. There is no evidence to suggest the problems caused by gulls were town wide, rather in particular areas there are nest sites which cause noise disturbance or other problems for residents and businesses. The task group noted that this was in line with research which showed that gulls are social creatures that prefer to nest in colonies.
- 9.6. In response to the question “How could Cheltenham borough council contribute to the control of the gull population?” the following were the number of responses (it should be noted that respondents were able to tick the three options most important to them):



“The impact over the summer months in 2018 was dreadful. The noise from the gulls woke us at first light every morning (approx. 4am). We could not sit in our gardens because of the racket they made. On occasions a baby gull would fall into a garden or into the road and the parents would act aggressively towards anyone nearby i.e. swooping and squawking. There was a lot of bird mess created on pavements and cars also.”

9.7. Nobody who completed the survey ticked the box suggesting that Cheltenham Borough Council should take no action. From this, it could be suggested that there is support for the council to take action to control the urban gull population, even though this is not a statutory service.

9.8. Further comments were made in response to this question:

- Fine people on the spot who drop food litter;
- Target specific hotspots;
- Fly hawks in the affected areas;
- Work on landlords to get them to engage with initiatives; and
- Pay for hawks to deter nesting.



A hawk used to deter gulls from nesting

9.9. The Task Group has been made aware, through the consultation process and elsewhere, of local residents who are working together to fund gull-proofing on their properties, egg treatment and the use of hawks to deter nesting. As previously mentioned, in Park Ward two streets paid for a hawk this year which was effective in preventing nesting in these streets, however, there is a suspicion that the gulls moved on and nested in streets nearby. There is another street in Park Ward where, following a very bad experience with nesting gulls this summer, residents worked together to pay for a private contractor to gull-proof their homes. In the Montpellier area, residents in two streets pay a private contractor to treat nests on properties affected. The Task Group welcomes this proactive approach

from local residents, but recognises that not all communities would be able to do this. We have had reports of absent landlords who are unwilling to gull-proof their properties, or to have nests treated. The Task Group is concerned that Local Authorities may not have enough legal powers to take action.

Recommendation - Establish what powers the council has to enforce property owners to gull-proof their property or treat nests on their property and ask Alex Chalk MP to press for any legal loopholes in these powers to be addressed at national level.

- 9.10. The Task Group considered the requests for CBC to use hawks as part of the strategy to deter gulls from nesting in Cheltenham. This is not an option the Task Group felt they could support, as the cost of this would be prohibitive. Similarly, if hawks are used in areas where nesting currently takes place, the gulls could simply move to places nearby. Thus, it would be a very expensive way to displace rather than solve the problem.
- 9.11. Concerns have been raised to the Task Group from inside CBC that there are residents who feed the gulls. Apart from one anecdotal report of a lady who used to feed the gulls in a park in Cheltenham, none of the evidence collected through the surveys, verbal feedback from residents and businesses, at the drop-in event, or discussions at meetings of the Urban Gulls Forum have identified this as an issue.

10. CONCLUSIONS

- 10.1. The impact on the mental well-being of people affected by the noise of the gulls during the nesting season is considerable, as expressed by people to the Task Group. There is also concern about the mess created by gulls and the risk of diseases being spread. As the visitor economy is significant in Cheltenham, with leisure and retail important as well as the hospitality sector, there is concern that the disturbance during the nesting season may be negatively impacting on visitor's experience of staying in our town.
- 10.2. If nothing is done by CBC to control the urban gull population, it could grow exponentially. This is because of the long life span of gulls, the relative safety of nesting in Cheltenham, plentiful food sources, the social nature of gulls, and the fact that each breeding pair can rear up to three chicks a year. This would be detrimental to the quality of life of local residents and could impact negatively on the visitor experience during the breeding season.
- 10.3. However, no single proven successful method for controlling the impact of urban gulls exists. The two common species of gull that nest in Cheltenham, the Lesser Black-backed and the Herring Gull have protected status. Therefore, any approach to controlling gulls must be both humane and approached from different angles to bring about improvements for residents, businesses and visitors. It would also be difficult to assess how successful any changes in current practice were, unless there was a regular up to date local survey of the gull population in Cheltenham.
- 10.4. The group acknowledged that because of financial and practical constraints, CBC is unlikely to be able to deal with this issue alone. Members of the Task Group therefore believe a partnership approach, with the Council taking a strategic role (but not working in isolation) to control the urban gulls population in Cheltenham, is the correct route to take.
- 10.5. As concluded by Bath and North East Somerset in their Urban Gull Strategy 2016-2019:

"In the absence of any statutory duty to act and the presence of diminishing budgets there is a need for a partnership approach involving local people, building or business owners, tourist and public agencies, neighbouring councils and central government."

10.6. Whilst the Task Group accept that controlling the urban gull population is a very difficult problem to tackle, Members believe there are ways that CBC can do things differently to improve on the current situation:

- Denying habitat, i.e. make successful nesting in Cheltenham less easy through treating more gulls' eggs each year and encouraging businesses and residents to gull-proof their own properties;
- Reducing access to food sources, including food waste, litter etc;
- For CBC to take a strategic lead, working alongside partners, residents and businesses to tackle the problem together.

11. PROGRESSING THE SCRUTINY RECOMMENDATIONS

11.1. In respect of the terms of reference set for us by the Overview and Scrutiny (O&S) committee, we feel confident that these have been met. As a task group, we feel it is important that we continue to monitor the situation with urban gulls and we would be happy to reconvene if the O&S committee feels it is appropriate.

11.2. In taking forward these recommendations, it is important to recognise that issues relating to urban gulls cannot be addressed by CBC alone. It is a national problem that requires Government intervention and a partnership approach to achieve the best outcomes for the people of Cheltenham. As such, the Council will be looking to partners to take forward these recommendations where appropriate.

11.3. The task group expects to report its findings and recommendations to the next appropriate meeting of the O&S Committee before taking the report to Cabinet. Assuming that our recommendations are accepted by Cabinet, the task group asks to be kept informed of any developments, and also believes that a review of the implementation of the recommendations should be conducted six months after being accepted by Cabinet.

SCRUTINY REVIEW – ONE PAGE STRATEGY

FOR COMPLETION BY THE OVERVIEW AND SCRUTINY COMMITTEE	
Broad topic area	Urban Gulls
Specific topic area	Cheltenham Borough Council's approach to reducing the urban gull population.
Terms of Reference for the review	<ul style="list-style-type: none"> Reducing the availability of food sources – for example through public engagement and education Fully understand the barriers/challenges in treating gull nests and consider options that would overcome those barriers/challenges. Making properties less attractive as nesting sites; and The availability of funding sources/incentives to assist with gull-proofing measures.
Outcomes	<p>A comprehensive report on the issue, reported to O&S and to Cabinet, to help councillors as well as members of the public understand more about gulls and what the council can reasonably do to control and reduce the gull population.</p> <p>Deliver an evidence-based set of findings and recommendations, to enable the more effective control of the numbers of problem urban gulls in residential areas.</p>
How long should the review take?	The report of the working group should conclude in time to allow recommendations to feed into the Borough Council's budget process for 2019-20.
Recommendations to reported to:	CBC's Overview and Scrutiny Committee and Cabinet to inform any funding request through the budget setting process for 2019-20.
Membership:	Cllrs Diggory Seacome, Klara Sudbury, Dilys Barrell, Tim Harman (?)
FOR COMPLETION BY OFFICERS	
Officers experts and witnesses	Mark Nelson – Enforcement manager Duncan Turner – Pest control officer
Sponsoring officer	Mike Redman – Director of Environment
Facilitator	Sophie McGough – Democratic Services
FOR COMPLETION BY THE SCRUTINY TASK GROUP	
Are there any current issues with performance?	<ul style="list-style-type: none"> The current arrangements whereby council resource is invested mainly in business areas such as Kingsditch and the town centre are effective in reducing the overall gull population in the town, but are considered ineffective in dealing with problems in often densely populated, residential areas. The high level of dissatisfaction of many local residents has been expressed by emails to councillors and council officers in recent months, as well as feedback received about the council's response to the problem at meetings of the Urban Gulls Forum.

	<ul style="list-style-type: none"> • There have been barriers to getting properties bird-proofed, particularly in residential areas. • It is difficult and costly to identify nesting sites in residential areas. • The management of the operation of the civic amenity site at Swindon Road has been identified as an issue, providing a food source for the gull population • Bins provided around the town are generally not of a design which is gull-proof • Discarded takeaway food can be an issue in and around the town.
Other experts and witnesses	To be agreed
Other consultees	Members of the Urban Gull Forum Cheltenham BID Trader organisations Alex Chalk The Lido
Background information	Circulated
Suggested method of approach	To be agreed
How will we involve the public/media? Or at what stages	Various methods including through social media, drop in meeting etc.
Preferred timing for meetings	Fortnightly. Initial meeting proposed on 15 th August and 29 th August at 3 pm in the Montpellier room.

Appendix 2

Cheltenham Urban Gulls Survey

Thank you for completing this form. The information you provide will help members of Cheltenham Borough Council's Urban Gulls Task Group understand more about the issue in our town and how residents feel the problem can best be addressed. Please refer to the privacy statement overleaf to see how your information will be stored.

Name:

Address:

Email Address (optional):

1. Where, with as much information as you can provide, is the address or addresses of where urban gulls nest (if not applicable please say N/A)

.....
.....
.....
.....

2. On what type of building was the nest located?

Private House ☐

Tenanted House/Block of Flats ☐

Industrial Building ☐

Public Building (e.g. Library) ☐

Office Block ☐

Other (please specify) ☐

3. Would you support the use of a drone owned and controlled by Cheltenham Borough Council to more effectively identify nest sites in the area where you live and/or work?

Yes ☐

No ☐

Don't know ☐

4. How could Cheltenham borough council contribute to the control of the gull population? (please tick the 3 most important to you)

No direct action undertaken by the Council, it is not a mandatory service ☐

Treat eggs in residential or business properties where access to the nest is possible ☐

Signpost residents, landlords and businesses on where to find private contractors to treat the eggs ☐

Reduce access of gulls to food sources through education of public, changes to litter bins or changes to food waste disposal ☐

Provide information to residential and business property owners on gull proofing measures for them to source and pay for themselves ☐

Through the planning process, require developers to gull proof buildings likely to be attractive to gulls to nest on (such as industrial buildings or large blocks of flats) ☐

Any other suggestions (please specify)

.....

.....

.....

5. Do you have any further comments that you would like the Task Group to be aware of, for example the impact nesting urban gulls has on you or anything you think the group need to be aware of?

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