Cyngor Abertawe
Swansea Council

To/
Councillor Mark Thomas
Cabinet Member for Environment & Infrastructure Management

BY EMAIL

cc Cabinet Members

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Summary: This is a letter from the Natural Environment Scrutiny Performance Panel to the Cabinet Member following the meeting of the Panel on 22 October 2019. It is regarding public concerns about gull nuisance.

Dear Councillor Thomas,

Natural Environment Scrutiny Performance Panel – 22 October: Gull Nuisance

Thank you for attending the Scrutiny Performance Panel meeting on 22 October 2019 to contribute to the debate about gull nuisance, which was brought to our attention by local residents. We appreciate you setting out the Council's position on this matter and relevant activities. We are writing to you, as relevant Cabinet Member, to reflect on the discussion and present our recommendations to you.

The meeting was convened following a public request for scrutiny, and whilst we heard specific issues raised relating to the area of Mayals we approached the topic as one that has potential impact across Swansea given the nature of the problem outlined to us. As such, the Panel has considered what solutions may be appropriate that will address the problem and have wider benefit for Swansea that protects both the natural environment and health and well-being of citizens.

We thank the contributions of Mr & Mrs Slater (attending on behalf of Mayals Friends and Residents Group) who made the public request for scrutiny, the Head of Housing & Public Health, Mark Wade, the Team Leader for Pollution Control & Private Sector Housing, Tom Price, and Mr John Roach, representing the local RSPB Group. We also heard from Councillor Peter Jones, who vacated the Chair and withdrew from the Panel, as a member of the RSPB.

The meeting therefore enabled the Panel to listen to different perspectives on the issue, ask questions, and consider a way forward. The main points are summarised below:

The reported problem

- Persistent nuisance to residents from gulls, behaviour of people feeding the gulls within communities and urban areas, and impact on residents' well-being, health and safety, including:
    - Residents and pets being attacked by gulls
    - Noise from screeching gulls affecting sleep
    - Residents (including children) being unable to enjoy their gardens / outdoors in relative peace
    - Damage to property from defecation
    - Affordability of 'gull-proofing' homes
    - Increase in rat sighting

Key findings from discussion

- This is not only a Swansea problem, but a difficult problem facing many coastal towns and cities, as well as inland towns, and Councils have limited powers at their disposal to solve the problem, particularly where the issue may affect private property.
- There has been a long standing issue in Mayals (since August 2018) with various contact between residents and the Council which to date has not resolved the problem. The Council has previously given advice to residents to investigate 'gull-proofing' their homes.
- The Council has campaigned in the past, and continues to promote the message of 'feed the bins, not the birds' in the City Centre. However, it is not illegal for people to feed birds.
- The issue of urban gulls has been raised at Welsh Government level by the Dr Dai Lloyd, AM for South Wales West, to ensure there is a consistent approach across Wales by local councils, citing stricter approaches to those found to be feeding gulls in other Welsh Councils. The relevant Assembly Minister undertook to look at the different approaches that local authorities are taking to address this issue.
- The avian expert and urban gull specialist, Peter Rock, advises that the only way to control the number of urban gulls and their invasions of the urban environment is to control their food source.

- A poster citing ‘Ten Reasons Not to Feed Seagulls’ has been prepared by Mayals Friends and Residents Group and has been promoted by Mumbles Community Council *(see attached)* - this provides information about the harm that can be done to both people and gulls by feeding them inappropriately. This also highlights the link between feeding and rodent activity.
- All species of gull are protected under the Wildlife and Countryside Act 1981, so it is illegal to intentionally injure or kill any gull or damage / destroy an active nest or its contents. However, Natural Resources Wales has the authority to grant licenses for actions for certain species if a public health issue can be shown. That would not include concern about noise nuisance, damage to property, or droppings etc. Lesser black-backed gulls and herring gulls are both red listed by the International Union for Conservation of Nature, due to declining population. The Government licenses allow the killing of urban gulls only as a last resort, where a significant risk to public health or safety has been identified.
- Statutory nuisance provisions within the Environmental Protection Act 1990 cannot be applied to this issue i.e. in respect of the activities of gulls. However, the behaviour of those feeding gulls, only if found, with clear evidence beyond doubt, to be excessive and deemed unreasonable, could be subject to provisions and powers to serve abatement notices etc.
- The Council has the power to issue Community Protection Notices (a non-statutory power) if there are reasonable grounds to believe the conduct of an individual, business or organisation is:
    - having a detrimental effect on the quality of life of those in the locality
    - is unreasonable, and
    - is persistent or continuing in nature
- Public Space Protection Orders have been used by some Councils in seaside locations concerning littering and feeding of birds on promenades, but cannot apply to private properties.
- The introduction of caddy bins for food waste collection has contributed to the removal of food source for birds that residents would previously place in black bags at the kerbside.
- Enforcement officers are able to issue fixed penalty notices for littering offences, which can also deter and remove potential food source for gulls. This is currently restricted to the City Centre.
- The actions taken by other Welsh Councils suggest similar approaches to Swansea, which includes provision of advice that may help minimise nuisance, and where appropriate by sending bird feeding advisory leaflets to residents. Denbighshire Council reportedly have focussed on raising awareness, publicity and trying to reduce food waste in the area. Their approach has been to send an information / informal letter residents, providing advice and guidance to encourage them to stop feeding the gulls if they are having a detrimental effect on their neighbours. Excessive feeding could result in the use of a Community Protection Notice.

- The RSPB get many calls on gull nuisance from the public – with cities becoming perfect habitats for gulls with nesting rooftops / ledges and plentiful food, combined with the decline of natural food sources at sea. Urban gulls have learned to associate humans with food, either from people directly feeding them or through the food waste not properly disposed of. Problem behaviour is linked to the modern way we manage our food waste, and its accessibility to gulls, and need to avoid putting food waste in easily opened plastic bags. They have advice for people to both understand and protect themselves from any attack from aggressive gulls. The RSPB would advise local authorities to reduce the organic waste taken to landfill sites, prevent street littering, and making public waste bins, domestic and business waste containers and collection arrangements 'gull-proof'. However, the behaviour of private individuals is very important. We need to learn how to live with gulls, and behave appropriately.
- Gulls mostly rely on ground source food and scavenge opportunistically. People wishing to feed birds without attracting gulls would be advised to use hanging 'bird-feeders'. Feeding bread to gulls (or other birds) is unhealthy for them and does not help them.

Recommended action:

1) **Waste Storage** - minimising the potential for gulls to get access to food waste left out for collections. In particular consider whether waste storage / disposal at properties such as flats or HMOs may be attracting gulls and need to be improved e.g. there may be insufficient number of plastic food waste caddies available for the waste generated, where either food waste bags may left outside or food waste may continue to be disposed of in black bags. Also, consider the replacement of any existing open top public waste bins that may be attracting gulls.
2) **Changing Behaviour / Early Engagement with Residents** - an education programme for all residents about the nuisance of urban gulls and actions that will prevent nuisance. We would suggest a general advisory letter / information pack is prepared which, amongst other things, would:
    - strongly discourage the feeding of gulls, making use of the '10 reasons not to feed seagulls' poster which has been promoted by Mumbles Community Council at the request of Mayals Friends & Residents Group
    - highlight the issue of ground-feeding and promote the use of 'bird-feeders'
    - highlight the importance of proper disposal of food waste, and food containers

    (consider whether such packs could be passed to local councillors for circulation in their community, to avoid postage costs, and perhaps enable them to determine how best to distribute e.g. targeting problem areas, circulation more widely in addition to residents, e.g. schools, parks, community centres, other businesses etc.)

3) **Public Notices** - Widen the existing 'feed the bins, not the birds' promotion beyond the city centre, with public signage / notices displayed at parks, beaches (and takeaway food shops in the vicinity), and other known or reported hot-spots.
4) **Enforcement Action** - Consider taking stronger action (e.g. warning letter around anti-social behaviour or other powers available such as CPNs) in respect of any person found to be responsible for excessive feeding of gulls, and ignoring advice.
5) **Co-production** - To work with the Mayals Friends & Residents Group (or other complainants), RSPB, and other relevant people or organisations in preparing any advice information for residents and useful content, or other action / practical measures either proposed as a result of this scrutiny activity or identified by yourself, to minimise the problem. This should also consider learning from the experience of other Councils.
6) **Monitoring** - To monitor future complaints about nuisance gulls and feeding to help inform the type and location of deterrent activities.

Your Response

In your response we would welcome your comments on any of the issues raised in this letter. We would be grateful, however, if you could specifically respond to the recommended actions contained in this letter.

Please provide the response to this and any other comments about our letter by 18 December. We will then include both letters in the agenda of the next available Panel meeting.

Yours sincerely,

COUNCILLOR MARY JONES
Acting Convener, Natural Environment Scrutiny Performance Panel
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TEN REASONS NOT TO FEED SEAGULLS

Here is some information about the harm that can be done to both people and gulls by feeding them inappropriately. Please remember though – while some species of gull are prevalent, others are in decline and are more highly protected. It is illegal to harm any wild bird, damage their nests or destroy their eggs. We live by the sea so must expect there to be seagulls, but stopping feeding them will encourage them to remain in their natural habitat and have a natural diet which will make life more pleasant for both people and gulls.

1. **RATS.** Feeding gulls will lead to an increase in the number of rats. **In 2017, Swansea was ranked the 6th most rat infested area in Britain** (with 3,121 call-outs, 13.06 per 1,000 people) and pest control experts warn that they see rat populations explode near to where people leave out a lot of bird food, especially if it is left on the ground. **FEED GULLS >>> FEED RATS.**

2. **HEALTH**. Gulls are ***"the new public health risk"*** (the BBC, 2004). The rise in the urban gull population is increasing the risks of e-coli, salmonella and botulism. And ***"..gulls could soon be more of a pest in urban Britain than rats"*** – a warning given at the 2003 National Conference on problems caused by urban gulls.

3. **NUMBERS**. Gulls can live for 40 years, can breed for 25 years and they and their offspring will return to the same nesting site. In South Wales, the urban gull population is increasing at a staggering 16% annually and is set to increase four-fold over the next decade. Peter Rock (an avian expert involved in international gull research since 1980 and the author of several scientific papers on the subject) warns that once a pair gains a foothold others follow and problems will grow rapidly. **There is already a growing gull colony in Mayals – please don't be mistaken to think that you won't be affected if you are not already.**

4. **NOISE.** Noise is by far the greatest nuisance factor cited by Peter Rock. He advises that gulls' raucous calls typically begin at 4 o'clock in the morning and are impossible to sleep through. When regularly fed they also become tamed and will start to repeatedly call for food during the day too.

5. **MESS.** Mess is the second most unpleasant nuisance cited by Peter Rock. In a 2011 Commons debate, it was recognised that gulls can expel significant quantities of runny faeces on the wing, which makes it difficult for residents to enjoy their gardens. Their washing, windows, cars and property are also continually being fouled. Fouling on roofs can also increase the rate of moss growth, which can be unsightly and block drainage outlets.

6. **DAMAGE.** Damage to property is the third biggest problem cited by Peter Rock. He advises that gulls will destroy insulation, air conditioning, will pull up exposed roofing felt and will even pull away lead flashing. Other damage includes blockages to rain water gutters, down pipes and even gas flues.

7. **PROPERTY PRICE**. Gulls nesting near or on your property could affect the value and/or the saleability of your home and the cost to gull-proof your property can be significant.

8. **ATTACKS**. The Guardian reported in 2013 that ***"pensioners have been hospitalised, knocked to the ground, breaking bones. Small dogs have bled to death, children's lips been sliced open, and an elderly man died of a heart attack following a particularly vicious assault in his back garden."*** There have been many other reported attacks on adults, children, pets and livestock. Urban gulls also attack and will feed on garden birds; so when gulls move in, the small garden birds are driven out.

9. **FINES**. If someone refuses to stop feeding the gulls to the detriment of the quality of life of other residents, then Local Authorities have the power to issue a Community Protection Notice - Conwy Council exercised this power in 2015 and fined one resident £1,100 after they ignored an anti-social behaviour warning.

10. **HARM TO GULLS THEMSELVES.** Both the RSPB and RSPCA warn that feeding gulls will not only lead to attacks but feeding the birds an un-natural, high calorific, low nutritional diet is detrimental to their health as it can lead to long-term health problems and incurable syndromes such as "Angel Wing".

Peter Rock advises that the only way to control the number of gulls is to control their food source. So for the sake of the safety, health and well-being of our community, we must not encourage them by feeding them and please make your local Councillors or Ward Councillor aware of any cases.

Mayals Friends and Residents Group Swansea

Mumbles Community Council