

COUNCIL

THURSDAY 16TH JULY 2020

PIGEONS, GABB SQUARE, BAKER STREET.

1. PURPOSE OF THE REPORT

- 1.1 To agree a way forward following complaints of a large number of pigeons at Gabb Square, Baker Street, Abergavenny.

2. BACKGROUND

- 2.1 Abergavenny Town Council councillors, Town Clerk and Monmouthshire County Council Environmental Health officers have over many months received complaints regarding the nuisance associated with the feeding of pigeons in Gabb Square.
- 2.2 The number of complaints to MCC Environmental Health has escalated in recent weeks and there is evidence that more food is being put out for the pigeons.
- 2.3 A Principal Environmental Health Officer from MCC visited the site on Friday 3rd July at 6pm and reported between 200-300 pigeons in the area particularly on the roof of the cinema and evidence of a couple of large bowls which most probably contained feed.
- 2.4 Residents in the area have reported large rats in Gabb Square attracted to the food put out for the pigeons. Rats can carry diseases that can be transmitted to humans. MCC Grounds Dept is arranging for the baiting of these rats.
- 2.5 The large number of pigeons results in a significant amount of defecation in the garden area and on nearby properties. MCC Grounds Maintenance has recently carried out a clean of the area. This defecation is both unsightly and poses a health risk as the droppings can carry diseases such as psittacosis, histoplasmosis and cryptococcosis.
- 2.6 MCC has provided advice with regards to the relevant legislation which would be littering or anti-social behaviour legislation. The legislation states that a littering offence is committed if a person throws down, drops or otherwise deposits any litter in any place which is open to air and to which the public have access.
- 2.7 One of the main principles of good regulatory practice is proportionality and MCC have taken the approach to date that a person feeding pigeons / birds needs to be acting in an extreme manner for a) it to be considered littering and b) for them to look to take formal action ie prosecution. For example a

very large amount of food being thrown down, leaving lots of excess after the birds have fed.

2.8 In addition The Anti-social Behaviour, Crime and Policing Act 2014 introduced new powers for use by councils to address anti-social behaviour including Public Spaces Protection Orders (PSPOs). Under the provisions of the Act local authorities must be satisfied on reasonable grounds that the activity subject to an Order:

- has, or is likely to have, a detrimental effect on the quality of life of those in the locality.
- is, or is likely to be, persistent or continuing in nature.
- is, or is likely to be, unreasonable.
- justifies the restrictions being imposed.

2.9 When assessing what is 'unreasonable' activity, there is a need to balance the rights of the community to enjoy public spaces. It is therefore good practice for wide ranging public consultation on the issue being considered to be controlled by a PSPO, bearing in mind that breach of a PSPO is a criminal offence with a fine liable on prosecution in court of up to £1000.

2.10 MCC Environmental Health has no plans to consider taking the lead on progressing the PSPO process with regard to pigeons at this time as their priorities lie in other areas, not least with regard to progressing public consultation on a county wide PSPO for additional dog controls.

2.11 Following the deep clean of the town centre in April, it became apparent that food was being put down for pigeons outside Mountain Warehouse, Neon Sheep and Bonmarche. Notices were placed by the Town Council on the shop windows kindly asking the person feeding the pigeons to stop. The Mayor also posted the request on the Mayors Facebook page. This request provoked a fierce and at times unpleasant response on social media, with the majority replying to the post in support of the continuation of feeding pigeons.

2.12 There are plans to redesign Gabb Square however this will not be until sometime in 2021. The number of pigeons in the area will need to be addressed either before or during these works as it would be unwise to spend money creating a pleasant seating area if the area continues to suffer the negative issues associated with an overpopulation of pigeons.

3. **WAY FORWARD**

3.1 Given the above issues, MCC Environmental Health advise that in the first instance that those feeding the pigeons are encouraged to be proportionate, to not excessively feed and understand the other issues that can arise from their actions. It is not a ban on feeding rather a request to moderate the

amount of feeding and for them to consider if it is appropriate to continue feeding. This will involve placing notices in Gabb Square and possibly sending a press release to the Abergavenny Chronicle and letters to properties in the area explaining the action that is being taken.

3.2 MCC Grounds have confirmed that they will put up notices rather than the Town Council doing so. However, the Town Council could lend support by associating themselves with this initiative by offering to write a press release and/or jointly signing the notice or alternatively could leave MCC to take the necessary action.

3.3 Councillors should be aware that any action (whether instigated by MCC or the Town Council) is likely to result in negative comments particularly on social media. Councillors should be prepared to tolerate this criticism for the wider public benefit.

3.4 Should the action set out above not achieve the desired result, then it is proposed that a town wide consultation is undertaken in liaison with MCC which would inform the case for further action.

4. RECOMMENDATIONS

4.1 To agree whether to offer support to MCC Grounds by offering to draft a press release and to send letters to local residents.

4.2 To agree to the action set out in 3.4 if the problem persists.