

Report: To consider statutory restrictions to control the indiscriminate feeding of wild birds in designated areas of Boston Town Centre

Councillor Callum Butler presented the report on behalf of the Council Leader and Portfolio Holder Anne Dorrian. Councillor Callum Butler advised members that concerns had been raised to the Council that the excessive and indiscriminate feeding of wild birds in Boston town centre was leading to damage and fouling of the public realm, buildings and heritage sites and was having a detrimental impact on the cleanliness of pavements and street furniture and exposing the public to health risks due to contact with bird faeces.

There was currently no law specifically available to stop a person feeding wild birds. Where the persistent feeding of wild birds was deemed unreasonable and detrimental to the local community's quality of life, local authorities could adopt restrictions through the Anti-Social Behaviour, Crime and Policing Act 2014 and introduce specific controls through a Public Spaces Protection Order (PSPO).

PSPOs were intended to deal with a particular nuisance or problem, in a specific area, that was detrimental to the local community's quality of life. It did so by imposing conditions on the use of that area which applied to everyone.

Public consultation had been undertaken which clearly demonstrated there was local concern about the indiscriminate and excessive feeding of wild birds in urban public spaces in the town and the detrimental impacts that had on residents, businesses, and visitors. Consultation had been facilitated through an on-line questionnaire available on the Council's website and through two roadshows hosted in the Boston Market Place. The responses shown in the report have been made anonymously. Key stakeholders had been made aware of the consultation and included businesses, The Stump, Lincolnshire Police, British Trust for Ornithology, RSPCA, RSPB as well as local community groups and organisations with town centre interests. The consultation was also promoted by elected members through the Council's social media and community engagement channels.

The response to the consultation clearly demonstrated public support for implementing mandatory controls on the feeding of birds in designated areas in the town centre and was supportive of the Council taking enforcement action where those controls were ignored.

Committee deliberation followed which included:

Overall members were in favour of the introduction of the PSPO and recognised the impact of the wild birds within the town including faeces on historic buildings and the physical presence of large flocks of birds around the Ingram Memorial. Members noted that birds roosted within the town as against the countryside as the urban area was warmer and that birds returned to their roosts year after year. Clarification was also sought on the term 'wild birds' and which actual birds were included as it appeared to be directed only at pigeons, with seagulls also being a problem within the town centre. The Assistant Director Regulatory confirmed that the term 'wild birds' did include seagulls and was deliberately broad to include any wild birds.

On questioning any evidence sourced or research undertaken from other authorities, which confirmed that implementation of such an order would result in a reduction of wild birds, the Assistant Director Regulatory advised that best practice elsewhere had been sought, but the order in isolation would not result in wild birds leaving the area and it was part of a tool-kit which included work alongside businesses to install proofing of buildings, a full education campaign and very clear simple visual signage which could be easily understood as well as frequent cleansing in key areas. Members were reminded that the PSPO was to stop people feeding the birds, it would not rid wild birds from the town.

Suggestions from members included involving local schools as children educated their families, and their involvement could possibly include the design of supporting signs. The Assistant Director Regulatory agreed that the campaign needed to be as comprehensive as possible, and the schools involvement could be considered within the three-month lead-in campaign. A further suggestion noted by a member was the possibility of sign-posting the public to suitable areas for the feeding of birds outside the proposed designated area.

Referring to the issuing of fixed penalty notices (FPN), members expressed their concerns that children and the elderly should not be fined for feeding birds. The Assistant Director Regulatory confirmed that a three-month education and promotion campaign would be held prior to implementation in advance of FPN's being issued. Reasonableness was built into the draft PSPO enabling the issuing officers to exercise their judgement and invoke statutory guidance. No child would be issued with a FPN. Safeguards were in place to prevent any over-zealous issuing of FPN. Members were advised that once the order was implemented, the Council had a responsibility to be consistent in its approach, ensuring that no FPN's resulted in disrepute and equally important, that the Council does not lose the public's support for these measures.

Further comments questioned why the designated area for implementation of the PSPO did not cover Central Park, Dolphin Lane, Pump Square and Church Lane around the footpath, as all areas were subject to bird feeding. The Assistant Director responded that no evidence had been provided to support this assertion. On referencing St. Botolph's, a member questioned if it had been included within the initial consultation, with it being prominent in

the town centre and also subject to the effect of birds. The Assistant Director responded that it had. In addition, a member questioned the exclusion of the PE21 project area to which the Assistant Director responded that once the development was complete then the designated area could be reviewed and extended to cover this locality if the need was evident.

The Assistant Director Regulatory advised that Central Park has not been included as it was a natural environment where the public might expect to see wild bird activity. The designated area was currently a proposal based on evidence of bird feeding within that area. Should other areas prove to be problematic in terms of wild bird feeding, then they could be added into the designated area at a later date. St. Botolph's had been consulted and are in full support of the PSPO and had advised that preventative measures were also being considered for the Church where permissible, in line with it being an historic building within the conservation area.

Referencing the £100 fine a member questioned if that was subject to being varied in line with early payments. The Assistant Director Regulatory advised that he believed it to be a statutory fixed fine but would source confirmation and advise members after the meeting. (Confirmed fixed by statute with no early repayment discount option)

A final suggestion requested that an update on the order be returned to committee within nine months from its implementation to enable members to monitor progress. The Assistant Director Regulatory advised that whilst the PSPO itself was subject to a review every three years, a review on its progress by the committee could be scheduled as requested within nine months from its implementation.