



City of Westminster

General Purposes Committee Report

Item No:

5

Date:

3 July 2006

Classification:

For General Release

Title of Report:

**Authority to make Byelaws to Control the
Feeding of Birds in the Area around Trafalgar
Square**

Report of:

**Director of Environment and Leisure
Director of Legal and Administrative Services**

Wards involved:

St James's

Policy context:

**Civic Renewal – Clean Streets
One City - Order**

Financial summary:

There are no financial implications

Report Author:

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1. Summary

- 1.1 A byelaw prohibiting the feeding of pigeons applies to the part of Trafalgar Square administered by the Greater London Authority (GLA), but not to the North Terrace administered by the City Council, or areas contiguous to the Square. This anomaly needs to be corrected because people opposed to the feeding ban are exploiting it by regularly depositing large quantities of feed on the North Terrace and causing significant fouling of the Square. At the beginning of April the anomaly was featured in a press article that illustrated areas where the feeding ban does and does not apply.
- 1.2 The proposed byelaw would provide for consistency in the management of the Trafalgar Square and the areas immediately contiguous to it. Expressions of support for have been received from the Mayor of London, and the National Gallery and other neighbours.

2. Recommendation

- 2.1 That the Committee recommends to the Council that it authorises the Director of Environment & Leisure to seek provisional approval from the Department for Communities and Local Government (DCLG) to the making of new Byelaws to prevent the feeding of birds (as set out in Appendix 1).
- 2.2 That, subject to the provisional approval being obtained, the Committee recommends to the Council that it makes new Byelaws to prevent the feeding of birds in the form attached as Appendix 1 or such other form as may be determined by the DCLG.
- 2.3 That, subject to the provisional approval being obtained, the Committee recommends to the Council that authorisation be given to the Director of Legal & Administrative Services to affix the common seal to the Byelaws.
- 2.4 That, subject to the provisional approval being obtained, the Committee recommends to the Council that authorisation be given to the Director of Legal & Administrative Services to carry out all the necessary procedures for adoption of the Byelaws and to apply to the DCLG for their confirmation.

3. Background

- 3.1 The City Council applied for a byelaw in 1993, 1997 and 2005, to prohibit the feeding of pigeons anywhere within the City. The 2005 application has been overtaken by the current request for more localised byelaw but in 1997 the application failed because Ministers felt "...that to invoke the criminal law would have the effect of criminalising otherwise law-abiding people."
- 3.2 In 2002 however the GLA was granted a byelaw to prohibit pigeon feeding on the part of Trafalgar Square they administer (approximately 7,500m²). This was an amendment to the Trafalgar and Parliament Square Gardens Byelaws 2000 (that had removed feed sellers from the Square). The prohibition on feeding came into effect from 17 November 2003.

- 3.3 As a concession to the 'Save the Trafalgar Square Pigeons' group, the GLA agreed to provide a limited and reducing level of feed every day at 7.30am. The reducing level of feeding was seen as a humane way to gradually reduce the size of flock. The GLA also introduced a hawk (with handler) onto the Square which is flown after the morning feeding to disperse the flock and prevent them from settling. Despite the concession to them the 'Save the Trafalgar Square Pigeons' group advertises on their website that pigeons can still be fed "...legally on the large paved area outside the National Gallery." - i.e. the North Terrace administered by the City Council. The website also points out (in 5 languages) that "...the law does not extend to this area. Don't be intimidated - exercise your right to feed the pigeons!". Another group - the 'Pigeon Action Group' - also oppose the feeding ban and in a 2003 BBC news interview encouraged the feeding of pigeons in areas to which the GLA byelaw does not apply.
- 3.4 The 2002 byelaw is applicable solely to the 7,500m² of the Square administered by the GLA, not the 2,500m² administered by the City Council or any of the areas contiguous to the Square. The feeders have therefore simply relocated to the North Terrace which highlights the absurdity of limiting a byelaw to such a small area. The problem that the byelaw sought to address is simply displaced to the boundary, which would be the case if the byelaw being sought was only to apply to the North Terrace rather than the areas contiguous to the Square. The anomaly is not just being exploited by the feeders, it is being exploited on a significant scale - it is not uncommon for 3 carrier bags of seed to be deposited at a time. A significant flock as a result is generating levels of fouling that are detrimental to the amenity of the Square and its immediate environs.
- 3.5 To try and mitigate the impacts of the feeders activities, from 1 February an Onyx operative with 'Cantonet' (an electric vacuuming machine) was deployed to support the manual sweeper with handbarrow on the North Terrace between 1200 and 1400. At least one Council officer was also in attendance. The 'Cantonet' was deployed to vacuum up any feed as soon as it was deposited, before the pigeons could alight upon it. A Council officer was present to ask the feeders to desist from depositing the large quantities of seed, and also to protect the operatives from any abuse by the feeders, verbal or physical. Unfortunately there has only ever been one encounter with feeders (at 1320 on 3 February) and they asserted their right to feed the pigeons on the North Terrace because no byelaw prohibiting it applied there. (GLA staff on the Square advised that since the beginning of February the feeders had been arriving at irregular times). As soon as temperature permitted after a prolonged cold snap (13 February) a 'deep cleanse' of the North Terrace was carried out to remove accumulated pigeon fouling.
- 3.6 The City Council has received complaints about the level of pigeon fouling in and around Trafalgar Square from visitors, the Mayor of London, National Gallery, St Martins-in-the-Fields and other neighbours. It has indicated that it is seeking a byelaw (Appendix 1) to prohibit the feeding of pigeons within the area described in the Schedule to the Byelaws and shown edged red on the plan attached to the Byelaws. It is essential that the byelaw applies not only to the North Terrace but also to areas contiguous to the Square. The vicar of St

Martins-in-the-Fields has already expressed fears that if a byelaw was adopted for the North Terrace only, feeders might target the grounds in front of and around the church.

- 3.7 As aforementioned (3.3 above) pigeon-feeding supporters have already actively encouraged people to feed pigeons in areas to which “..the law does not extend.”. In the BBC news interview (17 November 2003) a ‘Pigeon Action Group’ spokeswoman was quoted as saying; “There are parts of the precinct and an area just south of Nelson’s Column that do not come under Trafalgar Square. So people will therefore be perfectly within the law to feed pigeons in those areas.”. These pro-feeding groups have explicitly advocated exploitation of the existing anomaly and have specifically referenced areas contiguous to the Square as “..parts of the precinct..” where feeding can be carried out. The byelaw must therefore apply to these areas as well as the North Terrace.
- 3.8 A copy of a letter from the Mayor of London to the Deputy Prime Minister expressing support for the proposed byelaw is included in Appendix 2 (‘Application for confirmation of byelaws’). Photographs taken during feeding, including one carried in the ‘Evening Standard’ on 5 April, that illustrate the quantities of seed being deposited are included in Appendix 2. Other photographs show the pigeons alighting on the feed and the difficulties posed for an operative trying to clear it, an illustration of the level of fouling on a perimeter wall, and two vehicles engaged in an operation to remove the fouling from the footway. A copy of an ‘Evening Standard’ article (5 April 2005) highlighting the North Terrace as an area where people can “..legally feed pigeons” is also included in Appendix 2.

4. Procedure and Consultation

- 4.1 This section of the report identifies the procedures that will take place if the recommendations in this report are approved.
- 4.2 The Byelaws have to be confirmed by the new Department for Communities and Local Government. Byelaws to ban the feeding of birds are not normally approved for the reasons mentioned in paragraph 3.1. In those circumstances, it is necessary to make an application to the DCLG for provisional approval before the Byelaws are made and sealed.
- 4.3 A copy of the application for provisional approval is attached as Appendix 2. It will be supported by the documentation referred to in paragraph 3.8 above. If provisional approval is received, the Byelaws will be made and sealed. Notice of the Council’s intention to apply to the DCLG for confirmation will then be given in a local newspaper. The Byelaws will remain on deposit and be open to inspection for a period of one month. During that period, objections can be lodged with the DCLG.
- 4.4 The application for confirmation cannot be made until the period for objecting has elapsed. If objections are received, the DCLG may ask the Council to comment on the objections before a decision is taken. If the Byelaws are confirmed, the Secretary of State will fix a date upon which the Byelaws are to come into force. This will usually be one month after confirmation, though the

application for provisional approval has requested that the Byelaws are brought into effect at the earliest opportunity.

- 4.5 No consultation is required under the legislation. However the City Council is aware of keen interest in this matter - the Mayor of London, the National Gallery, St Martin-in-the-Fields (and other neighbours of Trafalgar Square) are supportive of the Byelaws. Members of the 'Save the Trafalgar Square Pigeons' and 'Pigeon Action Group' would be expected to oppose the application. Those opposing the application will be able to lodge objections during the one month period identified above. The Council will write to the two pressure groups to advise them that they can make their views known at that stage.

5. Financial Implications

- 5.1 There are no financial implications

6. Legal Implications

- 6.1 Legal implications are dealt with in the body of the report.

7. Ward Member Consultation (St James' Ward)

- 7.1 Councillor Louise Hyams
No comments received
- 7.2 Councillor Tim Mitchell
"In principle, I am in support of the proposal".
- 7.3 Councillor Alexander Nicoll
No comments received

Background Information

If you have any questions about this report, or wish to inspect one of the background papers, please contact Leith Penny 020 76417940
Email: lpenny@westminster.gov.uk

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 BACKGROUND PAPERS.

The documents referred to in compiling this report are as follows: None