
PIGEONS, RAYLEIGH HIGH STREET - ADDENDUM

1 SUMMARY

- 1.1 This report recommends that Members agree a proposed scheme for allocating financial assistance for pigeon proofing measures to businesses.
- 1.2 The Control of pigeons in built up areas is a discretionary function, however there is a statutory duty where a statutory nuisance arises.

2 INTRODUCTION

- 2.1 Since the original report was written, officers and one ward Member have met with the Chamber of Trade to discuss how financial assistance for proofing measures might be allocated to businesses.
- 2.2 Areas in need of proofing were agreed by officers, the ward Member and the Chamber of Trade at a site visit the following day.

3 PROPOSED SYSTEM

- 3.1 Proofing measures will be fully funded on a priority basis until all the funding has been allocated. The funding available will be approximately £4800 (£5000 minus the cost of new signs).
- 3.2 The Chamber of Trade will approach those businesses identified during the site visit and ask whether they would be interested in having proofing carried out. A letter written by the Head of Housing, Health and Community Care will be given to these businesses explaining the venture.
- 3.3 Once all expressions of interest are received, the Chamber of Trade will instruct a suitable contractor to do the work and will manage the contract. One contractor will be used as far as possible.
- 3.4 Payment will be made to the Chamber of Trade on receipt of an invoice, subject to the works being carried out to a satisfactory standard.
- 3.5 Once pigeon proofing has been fitted at a premises, the owner of that premises will be responsible for its maintenance.
- 3.6 Should a business refuse to have the proofing carried out and the Council takes enforcement action because a statutory nuisance exists, that business shall not be entitled to make use of the Council's funding in retrospect.

4 ENVIRONMENTAL IMPLICATIONS

- 4.1 The proposed measures will reduce the fouling of buildings and pavements and help minimise potential health hazards caused by pigeons.

5 RESOURCE IMPLICATIONS

- 5.1 A Budget provision of £5000 has been set aside. Approximately £200 of it is to be spent on new signs and the rest is to be used for the pigeon proofing.
- 5.2 Some officer time will be needed to implement the proposed scheme.

6 LEGAL IMPLICATIONS

- 6.1 Accumulations of pigeon excrement can give rise to a statutory nuisance under the provisions of the Environmental Protection Act 1990. The Council has a duty to deal with such nuisances and action can be taken against owners/occupiers of premises where nuisance exists. However, Members are advised that conditions would have to be very poor before statutory nuisance action could be taken.
- 6.2 There are also provisions under this Act to deal with litter, although enforcement is likely to be contentious and difficult since the majority of the food is quickly eaten.
- 6.3 The Council also has powers (but no duty) under the provisions of the Public Health Act 1961 to deal with nuisance, annoyance or damage caused by pigeons congregating in built up areas.

7 PARISH IMPLICATIONS

- 7.1 Rayleigh High Street is in the Rayleigh Town Council area.

8 RECOMMENDATION

- 8.1 It is proposed that the Committee **RESOLVES**
- (1) To agree the proposed scheme for allocating financial assistance for proofing measures to businesses as outlined in the report. (HHHCC)

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