



# EXECUTIVE BOARD DECISION

<b>REPORT OF:</b>	Executive Member for Resources
<b>LEAD OFFICERS:</b>	Director of Planning and Prosperity
<b>DATE:</b>	11 August 2016

<b>PORTFOLIO/S AFFECTED:</b>	Resources	Resources
<b>WARD/S AFFECTED:</b>	All	
<b>KEY DECISION:</b>	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input checked="" type="checkbox"/>

**SUBJECT:** Review of Cockerels/Livestock on Council Owned Garden Sites/Allotments

## 1. EXECUTIVE SUMMARY

Further to the receipt of the petition to retain unauthorised cockerels on Tockholes Road Garden site reported to the Executive Board on 10.09.2015. Capita were instructed to undertake a review of the current livestock policy relating to allotments and leisure garden sites within the borough.

## 2. RECOMMENDATIONS

That the Executive Board:  
Retain the existing policy of not permitting cockerels on any of the statutory allotment sites or leisure garden sites within the borough

## 3. BACKGROUND

A petition was recently received by the Council, signed by 71 local residents residing in 37 properties in close proximity to the Tockholes Road Garden site. The petition highlights that some of the residents have no objections to the keeping of the cockerels on the site. We have no details as to how many of the other 200 plus properties in the immediate vicinity of this one site support or oppose the proposal.

In 2012, a similar petition was received from 11 of the tenants of the garden plots objecting to the enforcement of the ban on keeping cockerels. The Executive Board decision dated 13th September 2012 approved the recommendations contained within the report of not allowing cockerels on the garden plots in accordance with the Council's policy on the keeping of livestock on garden areas and allotments.

In total there are over 1000 Blackburn with Darwen owned statutory allotments and leisure garden plots across 63 sites within the borough. All sites are located in or adjacent to populated residential areas and are not considered suitable for the keeping of cockerels due to noise nuisance. There have been an increasing number of noise pollution and nuisance complaints within the borough. These have risen from 8 in 2009/2010 to 32 in 2014/2015.

Following discussion with the Council's Senior Environmental Health Officer the Public Protection

Service requested that the following issues be taken into consideration. Specifically that cockerels are by nature very noisy and by allowing them on allotment sites the Council will create conflict between allotment tenants and surrounding residents. Plot holders do not always live in the immediate vicinity and consequently are unlikely to be woken by their own crowing animals, whereas the adjacent residential neighbours will undoubtedly suffer varying degrees of disturbance . Empirical evidence suggests that people are especially intolerant of cockerel crows in urban environments.

The statistics below have been provided by the Council's Public Protection Service and indicate that the number of complaints concerning animals and birds over the last six years has increased significantly. The Council's Senior Environmental Health Officer has confirmed that the majority of the complaints are regarding cockerels.

2009 – 2010 - 8

2010 – 2011 - 15

2011 – 2012 - 18

2012 - 2013 – 18

2013 - 2014 – 22

2014- 2015 - 32

They have further advised that the Council have served statutory nuisance notices on cockerel keepers over this period and that a number of them have had to dispose of their animals due to the nuisance that they cause.

The advice from the Poultry Club of Great Britain is that poultry keepers do not need a cockerel unless they are required for breeding purposes.

Furthermore the Public Protection Service have indicated that each nuisance investigation takes time to investigate and resolve and that limited resources means that services would be stretched should a relaxation of policy lead to an even greater increase in the number of complaints requiring investigation.

Having regard to the proximity of allotments and garden sites to residential areas and the comments of the Public Protection Service we recommend that the Council retains the existing policy that cockerels should continue not to be permitted on allotments or garden plots

A large number of other authorities across the UK have recently re- affirmed their own no cockerel policies as a result of growing complaints.

#### **4. KEY ISSUES & RISKS**

The Council's policy on keeping of livestock on garden areas and allotments has been developed over a number of years. The Allotment Act 1950 provides that only hens or rabbits should be kept so as not to be prejudicial to health and or cause a nuisance to the other tenants or local residents. By omission cockerels are not permitted under the Act. Furthermore, the Control of Pollution Act 1990 states that any animal kept in such a place or manner so as to be prejudicial to health or nuisance constitutes a statutory nuisance.

Consideration of the concerns highlighted by the Public Protection Team indicate that any relaxation of the current policy would be likely to lead to a further increase in the number of noise nuisance complaints and that this would place a burden on the already limited resources within that team.

#### **5. POLICY IMPLICATIONS**

To make best use of Council assets through the corporate asset Management Plan.

**6. FINANCIAL IMPLICATIONS**

There are no financial implications resulting from this report

**7. LEGAL IMPLICATIONS**

None.

**8. RESOURCE IMPLICATIONS**

None.

**9. EQUALITY AND HEALTH IMPLICATIONS**

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1  Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2  In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. *(insert EIA link here)*

Option 3  In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. *(insert EIA attachment)*

**10. CONSULTATIONS**

None undertaken. There is no change to the existing established policy.

**11. STATEMENT OF COMPLIANCE**

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

**12. DECLARATION OF INTEREST**

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded in the Summary of Decisions published on the day following the meeting.

<b>VERSION:</b>	0.01
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<b>CONTACT OFFICER:</b>	Cindy Rhodes
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<b>DATE:</b>	07 July 2016
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<b>BACKGROUND PAPER:</b>	None.
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