

MEETING	COUNCIL
DATE	20 th OCTOBER 2011
TITLE	THE CONTROL OF SEAGULLS
PURPOSE	TO ADVISE MEMBERS OF OPTIONS AVAILABLE TO THE LOCAL AUTHORITY IN RESPONDING TO COMPLAINTS ABOUT SEAGULLS
REPORT BY	ALED DAVIES – HEAD OF REGULATORY DEPARTMENT
PORTFOLIO LEADER	COUNCILLOR STEPHEN CHURCHMAN, PORTFOLIO LEADER

1. INTRODUCTION

- 1.1 Five species of gulls are found in Gwynedd. It is worth noting that some gull populations in the UK have declined by more than 40% since 1970.
- 1.2 One-third of the European population of the lesser black backed gull nests in the UK. The herring gull has been placed on the UK's Red List of species of high conservation concern – meaning they need to be conserved rather than controlled.
- 1.3 Since the 1950's, gull populations in towns have increased. This is probably due to increasing human development and the creation of unlimited food supplies available in landfills and other waste-handling facilities. Gulls are scavengers and the fact that people are feeding them is one of the reasons they are becoming a nuisance in terms of swooping on people and trying to take their food.

2. MATTERS OF CONCERN

- 2.1 The main matters of concern are:.
- Attacks by gulls
 - Diseases caused by seagull
 - Damage to property
 - Litter spread

3. LEGISLATIVE POWERS AND THE LOCAL AUTHORITY'S ROLE

- 3.1 The Wildlife and Countryside Act 1981 protects all wild birds. It is an offence to kill or injure any birds or their nests or eggs unless acting under a licence and only in compliance with the conditions of that licence.
- 3.2 A general license may only be relied upon in circumstances where the licensee is satisfied that all appropriate legal, non lethal methods of control such as scaring are either ineffective or impracticable.

3.3 Noise from birds, nuisance droppings or the fact that they open rubbish bags are NOT reasons under the Act and, therefore, killing or injuring birds for these reasons is an offence and offenders can be prosecuted.

3.4 At present the response to service requests in relation to seagulls consists of providing advice on their control. The control of the birds has, in other authorities, proven to be unsuccessful and highly contentious and can, in many circumstances, be illegal.

4. CONTROL METHODS

4.1 The Council does not have a statutory duty to manage the number of seagulls.

4.2 There are limited public health grounds for seagull control. Surveys show that the culling of seagulls is generally unsuccessful, with local gull populations recovering in relatively short periods. Methods used to deter the birds from nesting and roosting on buildings including:

- the use of bird proofing/management control measures such as netting, wires, spikes, or electric bird deterrent systems
- the use of sticky pastes on buildings,
- bird scaring devices utilising recordings of bird distress calls etc.
- Live falcons have also been used in some cases.

These techniques have varying short term success and are generally unsuccessful in the longer term.

4.3 The most effective measure to control urban gulls is to reduce the amount or availability of food for gulls by:

- Discouraging the feeding of birds by people.
- Reminding the public and business not to overfill their refuse bags and to tie the bag securely.
- Ensuring the food waste is presented for collection in suitable receptacles and in an appropriate manner.

4.4 Education and awareness raising are vital to the success of any action to reduce nuisance from seagulls. Officers have successfully addressed localized problems by educating owners of domestic and trade properties in the containment and presentation of their waste. However, this is an on-going task with significant resources implications.

4.5 The Public Protection Service continue to monitor the situation, and where sufficient public health problems arise, will take action so that any problems can be resolved.

5. OPTIONS AVAILABLE TO THE LOCAL AUTHORITY

5.1 In addressing the problems caused by seagulls, the Council has a number of options available including the following:-

- a) Do nothing - This option should not be considered, as it does not fulfil the expectations of the public or council members.
- b) Act in an advisory role - The Council is already involved in continuing to provide information to owner/occupiers of domestic, commercial and industrial premises on what actions they could take for their premises. The Highway and Municipal Service's work programme include litter control and an education programme.
- c) Carry out limited action - The Council could in addition to those actions identified in b) above, also provide a service to carry out proofing of domestic buildings. Some obvious solutions are available, however access to rooftops and their height cause problems which have significant cost implications and create subsequent maintenance problems to the buildings and the deterrent.
- d) Carry out a full role - The Council could in addition to those activities outlined in c) provide a service for carrying out the removal of nests or eggs where it can be justified that such action would comply with the appropriate general licence aforementioned where public health / safety is compromised. The fundamental question that arises from this option is whether the Council should be involved in such activity even if public safety is at risk.

5.2 The Services outlined in options c) and d) would be provided through a contractor and a charge would be made on the owner of the building to recover work costs and the Council's administration costs. It is unlikely that the authority could require property owners to undertake control measures.

7. ISSUES TO CONSIDER

7.1 **Financial implications** - There would be significant financial implications if the Council resolved to carry out any measures beyond the existing advisory activities. Any programme would be subject to a successful revenue funding bid submitted through the Authority's adopted bidding process.

7.2 **Staffing Implications** - Any additional workload is likely to have an impact on other warden activities, including dog control.

- 7.3 **Council Objectives** - Addressing the problems caused by seagulls whether by education, direct action, control of waste or by other means would compliment the Council's strategic objective of maintaining a safe, clean, pleasant and sustainable environment. This could be achieved through public education and provision of information/advice and by minimising waste that could be a food source to the birds. These issues are already addressed through existing work streams.
- 7.4 **Legal Implications** – Should the Council wish to take direct action to control seagulls it must obtain and adhere to The General License. Under the present circumstances the legality of undertaking a general removal or treatment programme would be questionable and could be subject to challenge.