

ANGUS COUNCIL

POLICY AND RESOURCES COMMITTEE – 10 MARCH 2020

PEST CONTROL – SEAGULL EGG AND NEST REMOVAL SERVICE

REPORT BY THE DIRECTOR OF COMMUNITIES

ABSTRACT

This report outlines changes to the Scottish Natural Heritage (SNH) General Licences in relation to bird control and the subsequent effect on the seagull egg and nest removal service provided by the Environmental and Consumer Protection Section.

1. RECOMMENDATION

It is recommended that the committee:

- (i) notes the contents of this report and in particular that SNH have removed all gull species from General Licences due to increasing concerns about their declining conservation status.
- (ii) notes that as a result the Council's egg and nest removal service can no longer function legally in its current form.
- (iii) agrees that the Council's egg and nest removal service is withdrawn with immediate effect.
- (iv) agrees that the Director of Communities consider retaining an element of the designated budget to enable public information relating to control of seagulls in Angus.

2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN/CORPORATE PLAN

- 2.1 The proposal contributes to the following local outcomes contained within the Angus Local Outcomes Improvement Plan and Locality Plans:

PLACE

- An enhanced, protected and enjoyed natural and built environment

3. BACKGROUND

- 3.1 In June 2008 Angus Council Infrastructure Services Committee approved the introduction of a free egg and nest removal service as a means of controlling the increasing population of seagulls in urban areas (Report 562/2008 refers). The service has been available to domestic users since April 2009. A service is also available to commercial property owners, however, this is chargeable.
- 3.2 All wild birds in Scotland are protected under the Wildlife and Countryside Act 1981 and interference with birds, their eggs and or nests are normally illegal except in very specific circumstances. The egg and nest removal service was permitted under a General Licence issued by Scottish Natural Heritage (SNH) for the purpose of protecting public health and safety.
- 3.3 General licences cover relatively common situations where there is unlikely to be any significant conservation impact and avoid the need for people to apply for individual licences in these specific circumstances. Although there is no requirement to apply for a General Licence there is a requirement that the licence is appropriate and that we meet the licence conditions in full. Abuse of, or failure to comply with conditions would constitute an offence.

4. CURRENT POSITION

- 4.1 In 2019 SNH carried out a consultation exercise on the use of General Licences including for the purposes of protecting public health and safety. The consultation was carried out in response to a legal challenge in England by Wild Justice relating to the use of General Licences. Whilst the licensing situation in Scotland is different, SNH wanted to build on the interest generated in England to ensure that General Licences in Scotland are fit for purpose, robust and legally compliant.
- 4.2 As a result of the consultation SNH have removed all gull species from General Licences due to increasing concerns about their declining conservation status.
- 4.3 The effect of the removal of all gull species from the General Licence on the existing egg and nest removal service is that the service can no longer function legally in its current form and must, therefore, cease to operate from 1 April 2020.
- 4.4 SNH will introduce a new protocol for applications involving gull species from 1 April 2020. This will include provision for one off applications where gull species are causing an impact on a small, localised scale and there is an impact on public health and safety. It is envisaged that this would apply to single birds or pairs of birds nesting on a property. There will also be provision to monitor recurring applications with an expectation that site owners take appropriate steps to minimise the impacts that gulls are having, for example by proofing property by using spikes or netting. In other words there is a presumption that multiple Licences will not be issued for the same property.
- 4.5 For an egg and nest removal service to be effective it has to be a long term strategy applied over a wide geographical area. This option is effectively being removed by the new Licensing regime as an individual Licence would be required for each property, and it is expected that SNH will not allow repeat treatments to be carried out. Therefore, the intention would be to withdraw the nest and egg removal service with immediate effect.

5. FINANCIAL IMPLICATIONS

- 5.1 The approved budget relating to the seagull egg and nest removal service in 2019-20 was £13,500 with a projected full year spend of £19,408. Consideration will be given to retaining an element of this budget to enable public information relating to the control of seagulls to be circulated more widely.

6. OTHER IMPLICATIONS

There are no human rights implications attached to this report.

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