

EAST AYRSHIRE COUNCIL
CABINET REPORT – 5TH MARCH 2008
OPTIONS FOR SEAGULL CONTROL

Report by the Depute Chief Executive/Executive Director of Corporate Support

1. PURPOSE OF REPORT

- 1.1 To advise Cabinet of the problems associated with seagulls within East Ayrshire and to consider possible options for the control of the seagull population.

2. BACKGROUND

- 2.1 The Community Services Committee of 28 May 2003 received a report on the Control of Seagulls which highlighted the problems which were being experienced at that time by members of the public in East Ayrshire. The conclusions of that report were to continue with the educative approach in raising public awareness relative to the problem of seagulls and the control of litter and food waste within the town centre while identifying that the Council had no resources for taking any action relative to the problem.
- 2.2 Since 2003 the perennial problem of seagulls, particularly in the Kilmarnock area has become worse with complaints from the public increasing and consequent press reports highlighting the problem.
- 2.3 An alternative strategy requires to be considered to address the concerns of the public relative to urban gull control and this report deals solely with the control of gulls in the urban situation, which continue to present an increasing risk to public safety.

3. DISCUSSION

- 3.1 The Environmental Health Service and elected members continue to receive complaints from members of the public particularly in the Kilmarnock area about urban gull activity. The principal causes of concern and complaint are noise from the gulls and also the gulls becoming aggressive and diving and swooping on residents. These attacks usually result when adult gulls are protecting their young which have either fallen out of the nest or are beginning to fly. The first chicks are seen at about the beginning of June and they start to begin to fly about late July/early August which is the time when most complaints are received. Complaints are received from all sectors of the community including businesses, private householders, Council tenants and other housing stock tenants.

- 3.2 The problem of gulls has become worse over the years and many inland authorities in Scotland together with coastal authorities are experiencing similar problems as the gulls have adapted to the urban environment where food sources and nesting places are readily available.
- 3.3 In the past the Council have issued press releases advising property owners to consider carrying out proofing works to prevent gulls from nesting while advising the public to minimise the availability of food sources for the gulls by using litter bins and not dropping litter and food waste.
- 3.4 A number of local authorities have encountered similar problems and have devoted time and resources on a variety of control measures with varying success including the use of birds of prey, proofing of buildings, oiling of eggs and culling of chicks and adult birds.
- 3.5 Those authorities who have carried out seagull control measures (including Aberdeen City, Aberdeenshire, Dumfries and Galloway, South Ayrshire and Angus Councils) have confirmed that whilst a consistent targeted approach to the situation can reduce the problem of seagulls in a particular locality, it may result in movement of the problem to another locality and may not eradicate the wider problem. Any strategy and consequent control measures will not eradicate the gull problem completely.
- 3.6 A targeted, consistent and long term commitment to the control of gulls in the urban situation is required to enable an effective and measurable reduction in the problem and to address an ever increasing problem which results in complaints from members of the public.
- 3.7 Complaints are regularly received during the breeding and nesting season in the Kilmarnock area and areas in the past have included London Road, Wellpark, New Farm Loch, Bonnyton, Riccarton and Central Kilmarnock and Grange Estate. Some of these areas have links to traditional nesting sites e.g. former factories and/or also to a food source such as the proximity to Kilmarnock Town Centre or school areas.
- 3.8 In certain areas it may not be appropriate to use certain control measures in certain locations and it may be necessary to limit the hours of operation in some areas. For example, the use of hawks may on occasion result in gulls being caught and killed which would be inappropriate at certain times at school premises or in the Town Centre areas.

- 3.9 It should be noted that it may not be possible to take action in some environmentally sensitive areas such as Kay Park due to the diversity of wild fowl in the area. This may provide difficulties in controlling seagulls in the proximity of that area.

4. CONTROL OPTIONS

- 4.1 The Scottish Executive produced the comprehensive Review of Urban Gulls and their Management in Scotland in May 2006 which considered all aspects of the gull population and control measures currently in use in Scotland. The Environmental Health Service participated in the consultation process and review which was undertaken by Stirling University on behalf of the Scottish Executive at that time.
- 4.2 It is worthy of note that the aforementioned Review has highlighted that all of the control and mitigation measures to control the gull population have practical, financial and also ethical implications.
- 4.3 Culling of gulls and their chicks, nest and/or egg removal, oiling of eggs and biological control are options which require to be carried out under a general licence in terms of the Wildlife and Countryside Act 1981 and associated European Birds Directive. Application for licence requires to be made to Scottish Government as it is illegal to intentionally injure or kill any gull or to take, damage or destroy an active nest. Justification must be provided that gulls are causing a particular threat to health and safety or public health before a licence is considered. These measures are carried out by a licenced contractor. Those contacted have been reluctant to provide specific costs for a cull/nest destruction programme without surveying the area to address the extent of the gull population. Costs of a comprehensive survey have been given between £10,000 and £20,000.
- 4.4 Physical proofing of buildings with spikes, wires and netting will prevent the gulls from nesting on specific buildings. Although dependent upon the nature and type of building, the level of difficulty and extent of the problem, indicative estimated costs have been received of £250 per day labour costs with similar costs for providing spikes to a typical pair of semi-detached dwellings. Initial estimates are therefore approximately £500 per pair of semi-detached dwellings. Larger and more difficult projects/buildings would require to be estimated accordingly.

- 4.5 The use of birds of prey (hawks and falcons) to physically deter the gulls from nesting can provide a short term measure over the nesting period. Costs from a local falconer have been provided at £20 per hour. This would require the presence of the falconer and birds of prey over the nesting period and at specific sites. It is estimated that £12,000 - £15,000 would be required for the use of a falconer over the nesting periods to provide a local deterrent.
- 4.6 In association with the aforementioned control measures a mandatory requirement of physical proofing against gulls and other birds of all new buildings via the planning process could be considered to provide a long term measure in the effort to deter gulls.
- 4.7 In addition to the above, education of the public and businesses relative to feeding of birds and the use of secure bins for food waste would enhance any control programme. Linking into the Kilmarnock Town Centre Regeneration Group may provide a means of providing education and publicity in that area relative to business awareness of securing food waste and thereby removing the food source for gulls.
- 4.8 It is worthy of note that any control programme would require to be carried out over a number of years in a sustained manner and that success is not guaranteed.

5. CONTROL PROGRAMME PROPOSALS

- 5.1 The undernoted highlights the proposed actions and prioritised areas for action together with a proposed timeframe for inclusion in any adopted gull control programme.

PROPOSAL	TIMEFRAME	ALLOCATED COST 2008/09
Enhanced educative programme	2008 and ongoing	£5,000
In depth survey of gull activity to identify problem areas and pattern of activity	2008	£20,000
Based on survey results: possible culling, oiling of eggs and nest removal programme	2009 (During nesting seasons)	Nil for 08/09 and to be considered based on survey results as part of 09/10 budget setting process
Immediate response utilising birds of prey	2008 (During nesting season)	£15,000

PROPOSAL	TIMEFRAME	ALLOCATED COST 2008/09
<p>Potential Proofing of Council Buildings on a prioritised basis to include:</p> <ul style="list-style-type: none"> • London Road Headquarters. • Western Road Depot. • John Finnie Street/John Dickie Street. • Kilmarnock Multi Storey Car Park and surrounding area. • Community Centres/Council facilities/Housing and Local Offices etc in New Farm Loch, Bonnyton, Riccarton. • School facility areas • Greenholm Street. • Individual Council tenancies as identified on a priority basis • Other areas as identified 	2008-09	Between £60,000-£100,000 as appropriate/necessary

5.2 The control programme will require to be flexible and may involve a combination of measures following assessment.

5.3 Funding and resources will be required to fully address the identified priorities on an ongoing basis.

6. LEGAL IMPLICATIONS

6.1 Gulls are protected under the Wildlife and Countryside Act 1981 and associated European Birds Directive which makes it illegal to intentionally injure or kill any gull or to take, damage or destroy an active nest.

6.2 A general licence issued by the Scottish Government is required to permit the destruction of eggs and young and adult birds of herring, lesser and great black-backed gull species only subject to conditions. A licence has to be justified in terms of health and safety or public health, which requirement will be met from the results of the survey it is proposed to undertake during the 2008 nesting season.

6.3 Any action to destroy eggs or cull seagulls must be undertaken with due regard to the pertinent legislation and must be justified.

7. FINANCIAL IMPLICATIONS

- 7.1 Any of the control measures outlined either in isolation or combination will require significant financial resources to address the gull problem. No budget is held within the Service Department for implementation of control measures.
- 7.2 There will be manpower implications in supervising and coordinating control measures and associated works during the active months between April to October.
- 7.3 In the knowledge that measures to control gulls were being considered, the Executive Director of Neighbourhood Services has retained £0.100m in the Housing Revenue Account budget for 2007/08 and the Executive Head of Finance and Asset Management has similarly identified £0.050m in the Central Repairs Account budget. It is proposed that these sums now be allocated to gull control measures with any unspent amount carried forward for use in 2008/09. The ongoing annual costs will be clearer once the outcome of the survey is known and consideration can be given to this as part of the 2009/10 budget process.

8. COMMUNITY PLANNING/POLICY IMPLICATIONS

- 8.1 A control plan relative to the urban gull population is commensurate with the Community Plan themes of Improving the Environment and Improving Health.
- 8.2 Successful implementation of the various measures outlined within this report should lead to a reduction in the risk presented by nesting gulls and, consequently, a reduced risk of harm to the safety of our residents and tenants, as well as visitors to the area.

9. CONCLUSIONS

- 9.1 The perennial problem of seagulls and associated public concern and complaint has increased over recent years.
- 9.2 Options for an enhanced approach to the gull problem include the culling of gulls and the destruction of nests and/or eggs under licence; the physical proofing of buildings against nesting; the use of birds of prey and the consideration of a mandatory requirement in terms of the planning process relative to proofing of all new buildings against gulls and other birds.
- 9.3 Any enhanced approach to the gull problem will require significant financial resource input together with a sustained and targeted long term programme of control.

9.4 Education of the public into litter control and food businesses into the secure binning of food waste will assist in the reduction of a food supply for the gulls in the urban environment.

10. RECOMMENDATIONS

10.1 Cabinet is invited to:-

- (i) Consider in principle an enhanced approach to the gull problem and various control measures as outlined within the body of this report.
- (ii) Agree, and remit to the Head of Legal, Procurement and Regulatory Services to implement, each of the measures outlined in para 5.1 of this report.
- (iii) Agree to remit to the Head of Planning and Economic Development to further consider the possible adoption of a policy requiring all new builds to have adequate bird proofing measures as a standard condition attached to planning consents and to bring back a report thereon to a future meeting of the Cabinet for their consideration.
- (iv) To agree the proposed maximum level of expenditure as indicated against each measure in the table in paragraph 5.1 and to approve the proposed funding arrangements as set out in paragraph 7.3 and
- (v) To otherwise note the contents of this report.

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Depute Chief Executive/Executive Director of Corporate Support

EM/PLT/EG

7 February 2008

LIST OF BACKGROUND PAPERS

1. Review of Urban Gulls and their Management in Scotland (May 2006).
2. Report to Community Services Committee on 28 May 2003.

Any person wishing to inspect the background papers should contact David Mitchell, Head of Legal, Procurement and Regulatory Services on 01563 576161 or by email to David.Mitchell@east-ayrshire.gov.uk

