

EAST AYRSHIRE COUNCIL

COMMUNITY SERVICES COMMITTEE – 28 MAY 2003

THE CONTROL OF SEAGULLS

Report by Director of Community Services

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to advise Members of the situation regarding the problem of seagulls in this area, in comparison with other Local Authority areas, and the possible measures which may be considered for their control. This report was requested by a Local Area Committee on the basis of a working group being set up.

2. DISCUSSION

- 2.1 Historically seagulls could and still do cause problems in many seaside locations due to the birds migrating from their original cliff top nests and habitats into adjacent towns and villages.
- 2.2 The problem has worsened over the years in many inland localities where gulls have become adapted to living in urban environments and now nest regularly in these areas. This alteration in habitat has been driven on the one hand by the depletion of fish stocks in their original location and on the other by the birds' ability to exploit and scavenge new food sources coupled with the availability of nesting locations which have proven to be an ideal substitute for their original cliff top locations.
- 2.3 This adaptation to urban habitation has resulted in conflict with humans in several parts of the country. A number of Local Authorities who have encountered such problems have devoted some considerable time and resources in a variety of control measures.
- 2.4 In north-east Scotland, Aberdeenshire and Aberdeen City Councils have both experienced significant seagull problems, and have explored various options to control the problem. Aberdeenshire, for example, has experimented with the installation of a robotic peregrine falcon to act as deterrent. The experiment has not been an unqualified success, as it necessitates the frequent relocation of the robot in various strategic roof top locations to maintain its effectiveness.
- 2.5 At the opposite end of the country, Dumfries and Galloway Council set up a Seagull Focus Group in 2000 in the light of problems being experienced in Dumfries.

- 2.6 Closer to home, South Ayrshire Council have encountered various problems, including one at a local Primary School where gulls were swooping on and frightening young children. The solution adopted by SAC Education Department was to employ a series of control measures which included the use of hawks to deter the gulls from using the buildings.
- 2.7 Similar problems have also been experienced by a number of Local Authorities in other parts of the country and also in England and Wales.
- 2.8 The experience of those Local Authorities who have undertaken seagull control measures has generally confirmed that whilst a consistent targeted approach to the situation can reduce the problem in a particular locality, it is unlikely to eradicate the wider problem.
- 2.9 Seagulls in towns can result in a variety of complaints, ranging from noise, mess from droppings, etc., to causing alarm and discomfort to members of the public from diving and swooping on them.
- 2.10 Complaints have been received from several areas of Kilmarnock over a number of years about all of the above mentioned aspects, although the last mentioned is the one which causes greatest concern. The London Road area, Wellpark, New Farm Loch, Bonnyton, Morton Place, and the Riccarton area have all yielded complaints in this regard in recent years.
- 2.11 Control measures can vary from culling of gulls and destruction of chicks to removal of nests and eggs, oiling of eggs to prevent hatching, disturbance and discouragement of birds by bird scarers, birds of prey, etc., and the proofing of buildings by netting, spikes, etc., to prevent birds from nesting.
- 2.12 Proofing is the only certain method of preventing birds from nesting on specific buildings. However, its overall effectiveness depends on where the birds relocate to, and it may merely shift the problem to a different locale.
- 2.13 Destruction of gulls and chicks can be undertaken in certain prescribed instances but is subject to legal implications (see Section 4).
- 2.14 Problems with attraction of gulls into any locality can be exacerbated by the availability of a plentiful food source. The public should not encourage them by feeding, and the operators of any food outlets should ensure that any waste foodstuffs are properly binned and suitably disposed of to deny access to scavenging gulls. The Environmental Health Service receives a number of complaints and visits both householders and business operators in this regard every year.

- 2.15 The Head of Protective Services produced an information Briefing Note on seagulls in August 2002, which is appended to this report for members interest.

3. FINANCIAL IMPLICATIONS

- 3.1 The implementation of any seagull control measures by the Council would be difficult to quantify. Those Authorities which have undertaken works in this connection have generally reported fairly mixed results. Any control measures contemplated would require to be co-ordinated and repetitive to have any impact, as experience has shown that "one off" actions soon lose any deterrent effectiveness.
- 3.2 The only exception in this regard would be the proofing of buildings. This would be of use in specific circumstances but would not necessarily eliminate the overall problem.
- 3.3 The responsibility for proofing private property rests with the owner.
- 3.4 The Council has no resources at the present time to undertake any of the measures set out above.

4. LEGAL IMPLICATIONS

- 4.1 Gulls, like other bird species, are protected under the Wildlife and Countryside Act 1981. This makes it illegal to intentionally injure or kill any gull or to take, damage or destroy an active nest.
- 4.2 However, in certain circumstances where it is deemed that gulls are posing a particular threat to health and safety, the owners of properties so affected can take action to eliminate the problem. A general licence issued by the Scottish Executive Environment and Rural Affairs Department permits the destruction of eggs, young and adult birds of herring, lesser and great black-backed gull species only, subject to compliance with specific conditions. (These are the species which generally result in the most significant complaint).
- 4.3 Accordingly, any action to destroy eggs or cull seagulls must be undertaken with due regard to the pertinent legislation and must be justified.

5. POLICY IMPLICATIONS

The Council currently has no specific policy on control of seagulls.

6. CONCLUSION

- 6.1 There is unfortunately no quick, cost effective and permanent resolution of the seagull problem.

The problem may be tackled in very specific instances by proofing to deny access to the seagulls, which will serve to alleviate the problem in these immediate localities but could spread it elsewhere. Moreover, the Council has no specific legal power to require owners or occupiers of buildings to carry out proofing works to prevent birds from nesting or to take action to remove birds which are already present.

7. RECOMMENDATIONS

7.1 The Committee is invited to:-

- i) consider that there is little benefit at the present time to setting up a working group to deal with the gull problem;
- ii) note that the Council has no resources for taking any action; and
- iii) otherwise note the contents of the report.

William Stafford
Director of Community Services

WS/MR

15th May 2003

LIST OF BACKGROUND PAPERS

1. Briefing Note from Head of Protective Services dated 23rd August 2002.
2. Report to Community Services Committee on 3rd September 1997 re control of Gulls.
3. Report to Kilmarnock Central Local Committee on 5th September 2000 re Seagulls/Pigeons.
4. Report to Kilmarnock Central Local Committee on 21st January 2003 re Control of Gulls.

Any person wishing to inspect the background papers should contact John F. Crawford, Head of Protective Services (01563) 576111.

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EAST AYRSHIRE COUNCIL
COMMUNITY SERVICES DEPARTMENT

SEAGULLS

Briefing Note

The present problems experienced by citizens in Kilmarnock are similar to those experienced in Dumfries and in July 2000 Dumfries and Galloway Council set up a Seagull Focus Group. The Group comprised Elected Members and officers, and invited public submissions via an advert in the local press. The main complaints received were noise, droppings and swooping of gulls on individuals with the majority of the public expressing the view that they would like to see the Council do something to reduce these (in particular the aggressive behaviour of gulls when chicks had hatched). It was recognised that the elimination of gulls from Dumfries was both unrealistic and impossible to achieve.

The Group noted that the Council had no statutory duty to take action against the gulls (or to force others to do so). The Consultant in Public Health Medicine was of the view that there was no evidence that the health of the public in Dumfries was being adversely affected by the seagull population. Although in terms of public safety there was no evidence that the safety of the general public in the town centre area was being compromised, it could be argued that reports of elderly and very young members of the community being either struck or frightened by low swooping gulls compromise public safety. There was the view that only those gulls which threatened public safety could be killed; have their nests removed or have their eggs taken or destroyed in order to comply with Appendix 6 of the Wildlife and Countryside Act 1981.

The Focus Group's report concluded that the cost of removing seagull nests and debris from chimneys and installing appropriate proofing would be in excess of £200 per nest. The Group's final report recommended a number of proposals e.g.

- (a) provision of signs asking the public to refrain from feeding the gulls;
- (b) producing a leaflet setting out the Council's legal position and responsibilities, control measures available and contacts for not only proofing but other control measures;
- (c) investigating improvements in the waste streams in Dumfries town centre;

- (d) consideration of proofing Council owned property where gulls were nesting and roosting;
- (e) consideration of control measures at the local landfill.

It is also understood that 2 birds of prey (a Harris Hawk and a Falcon) were also tried for short periods. The Falcon simply scares gulls away from its flight path (presumably transferring the problem to other areas) but can only be used in the pre-nesting season (as it will attack gulls sitting on eggs). The Harris Hawk can behead seagulls in flight but the gulls tend to roost after the first kill, waiting until the Hawk has gone.

The main thrust of any further action from East Ayrshire Council might best be along the lines of continuing to exhort the public to deny the birds access to food (i.e. in line with the recent Press Release) and also to suggest to home owners having nests on their roof that these should be removed during the winter and appropriate measures taken to prevent new nests being built.

J F Crawford
Head of Protective Services

JFC/KH

23rd August 2002