

EAST AYRSHIRE COUNCIL

KILMARNOCK CENTRAL LOCAL COMMITTEE – 5 SEPTEMBER 2000

SEAGULLS/PIGEONS

Report by Director of Community Services

1. PURPOSE OF REPORT

- 1.1 To advise the committee of the current problems being experienced locally with seagulls and pigeons.

2. BACKGROUND

Pigeons

- 2.1 This report was requested by the committee following complaints received by Elected Members regarding pigeons roosting in railway bridges.
- 2.2 Droppings from the birds roosting in railway bridges soil the footpath and create a road safety hazard as pedestrians sometimes step out onto the carriageway to avoid the greasy surface on the footpath caused as a result of pigeon droppings mixing with surface water runoff.
- 2.3 The structure of the bridges is the responsibility of Railtrack and the former Strathclyde Regional Council took action against Railtrack's predecessor in an attempt to have netting or other devices attached to the underside of a bridge to deter roosting. The ensuing court case ended with the Sheriff declaring that as the pigeons were feral creatures, Railtrack was not required to take any action to prevent birds roosting on their structures. Railtrack also require access for structural inspections which they have a statutory duty to carry out. This prohibits the use of permanent barriers on roosts.
- 2.4 A recent court decision in London, however, has found in favour of the local authority and whilst this case has no bearing in Scotland, it may provide strength to any new case taken against Railtrack.
- 2.5 The Code of Practice for Litter and Refuse was recently revised and within the Code there is provision for Orders being made in terms of Section 86 (14) of the Environmental Protection Act 1990.

The Scottish Executive has therefore been contacted with a view to the Secretary of State being encouraged to include pigeon droppings as part of an Order.

Seagulls

- 2.6 The problem with the increased number of seagulls in the area is not a new problem since the birds originally nested on the roof of the Britannia Works. Since these buildings were demolished the birds have become more noticeable. The size of the colony may also have increased as the result of food being more readily available since many residents feed them.
- 2.7 Over the past two or three years, various options have been considered for controlling the number of birds since in practice we could never eradicate them completely. The birds are also protected by the terms of the Countryside and Wildlife Act which effectively means that any cull or removal of nests can only be carried out by licensed operatives who can demonstrate the necessary skills.
- 2.8 Among the options available for controlling the number of birds is either culling the adults by shooting them or using baits containing narcotic drugs. The first is difficult in a residential area and the second can cause extreme distress to members of the public who can see birds apparently suffering prior to death. Both methods can leave rotting carcasses in locations where they cannot physically be retrieved leading to potential public health nuisances.
- 2.9 The removal of eggs from nests and the destruction of nests is partially effective in reducing numbers in the short term but almost inevitably nests are built on less suitable sites and if these are inaccessible to pest controllers, the brood will hatch successfully. In some cases, the nest will be built in a location which will cause more inconvenience to the public due to the birds protecting their nest. The combination of nest removal and the physical protection of buildings utilising 'hot' gels, wire netting, and flight wires is perhaps the most effective for small areas but the costs are high.
- 2.10 In some areas raptors have been used to discourage the establishment of roosts but this is largely a cosmetic exercise with no long term benefits.
- 2.11 The removal of nests, eggs and culling of birds requires a licence from the Ministry of Agriculture.

3. FINANCIAL IMPLICATIONS

3.1 There are no resources available within existing budgets to tackle the problem with seagulls

4. LEGAL AUTHORITY/IMPLICATIONS

4.1 Countryside and Wildlife Act 1981

5. POLICY IMPLICATIONS

5.1 Nil

6. CONCLUSIONS

6.1 Whilst it is recognised that there is an issue, the control of feral pigeons and seagulls may cause adverse publicity for the Council. However, in any event funding for this purpose is not available at present.

7. RECOMMENDATIONS

7.1 The Committee is asked to note the contents of this report.

William Stafford
Director of Community Services

WS/JS

16 August 2000

LIST OF BACKGROUND PAPERS

Nil

Implementation Officer – william.stafford@east-ayrshire.gov.uk

AGENDA