

FOI Request - Pest Control Usage - 101003862040

Moray Wide - Gull Control Project Scope of Works

QUOTE Ref: 18/0962

Section A – General Information/Contract Requirements

The Contract will be for a minimum 3-year period, with an option to extend it annually thereafter up to a maximum period of 5 years.

Year 1 of the contract will be for a 16-week duration during gull nesting/mating season and shall commence on 25 March and will run until 12 July 2024. Each subsequent year will also run for a 16-week duration.

The appointed Licensed Contractor will be expected to be pro-active in gull control activities for the Housing areas identified in Elgin, Forres, Lossiemouth and Buckie (Lot 1) as well as provide measures to all 39Nr. commercial properties listed (Lot 2) within Moray.

Under the licence requirements, Moray Council will provide blanket confirmation on approval to remove all nests located on Council owned houses, without the need for agreement by the tenants.

The Contractor will be expected to conduct the following activities for the duration of the contract:

- Supply, installation, and maintenance of sonic scarer devices at various locations in the Elgin area, as highlighted in the Pricing Schedule.
- Pro-active assessment of all nesting activity with discouragement by safe use of lasers and hawking.
- Regular visits to all general housing areas and all other commercial buildings to assess nesting development, with appropriate action taken to control this under Nature Scot licence regulations.
- Receive instructions from Property Maintenance or Housing DLO about gull activity and visit and take appropriate action within 24 hours of incidents being reported.
- Participation in a monthly meeting with Council staff to discuss progress on the contract.
- Provision of detailed weekly reports noting all building visits with dates and all work completed to control nesting activity.
- Apply for Nature Scot licences for all relevant activities and complete returns highlighting works conducted all in accordance with legislative requirements.
- Provision of a detailed summary report at the end of each season highlighting all works conducted (including overall numbers of nests, eggs, chicks, and dead gulls removed
- The contractor should include for all Health and Safety measures necessary including conducting and providing risk assessment and method statement (RAMS) details for all access to high level areas and to comply fully with working at height regulations in execution of the works.

Moray Wide - Gull Control Project Scope of Works

Specification

Section B -Laser Prevention/Hawking

Lot 1 – Council Housing Areas, Moray Wide

The Contractor is required to allow three visits per week for a 6-week period, at the beginning of each nesting window, to all Council Housing areas identified below, using high powered lasers in the early hours of the morning and at various times to frighten and deter gulls from nesting.

An allowance is also required for an additional visit to each location at weekends to conduct hawking, which should include the use of licenced and professionally managed birds of prey to fly over areas to deter gulls.

These preventive measures will be conducted to Housing areas (ref. HP1 to 6, 8 and 11) covering all street locations as listed below.

HP1 New Elgin East

Teindland Court	Teindland Place
Teindland Wynd	Bezack Street
Anderson Drive	Burnside Place
Birkenhill Place	Croft Road
Castlehill Street	Meadow Crescent
Main Street	Murray Street
Millar Street	Rashcrook Walk
New Elgin Road	School Walk
Robertson Drive	Thornhill Road
Springburn Place	
Wellbrae Court	

HP2 New Elgin West/Central

Bardon Place	Ben Aigen Walk
Ben Rinnes Walk	Brinuth Place
Cockmuir Place	Coleburn Court
Edgar Road	Gedloch Place
Glenlossie Drive	Glenmoray Drive
Gordon Street	Heldon Place
High School View	Land Street
Longwood Walk	Manbeen Place
Mannoch Court	Marchfield Place
Mossend Place	Muirfield Court
Murfield Crescent	Muirfield Road

Commented [JF1]: Why only 6 weeks? Also, who identifies when this starts/stops?

Commented [JF2R1]: Commencing at the nesting season. Seeking advice from contractor

Nicol Street	North Street
Sandy Road	Springfield Drive
Springfield Road	Tomail Place
Wardend Place	Bibby Place
Batchen Lane	Braco Place
Blackfriars Road	Chapel Court
Bruceland Road	Ladyhill Wynd
Haugh Road	Murdochs Wynd
Moray Street	South Street
Pluscarden Road	

HP3 Elgin Central/New Elgin East

East Road	Maisondieu Place
Maisondieu Road	Pinefield Road
Pinegrove	Priory Place
Tyock Industrial Estate	Victoria Crescent
Victoria Road	Bain Road
Bain Avenue	Cumming Circle
Coxton Crescent	McMillan Avenue
Hossack Drive	Clarendon Court
Ross Lane	Gurness Circle
Ashburton Court	Ontario Court
Gisborne Court	West Cemetery Lodge
Manitoba Avenue	
Quebec Place	
Beechfield Road	

HP4 Elgin Bishopmill

Alba Place	Anderson Crescent
Balmoral Terrace	Blane Place
Blantyre Place	Blantyre Street
Braemorrison Road	Brodie Drive
Brodie Place	Cameron Road
Caroline Place	Caroline Street
Christie Place	Christie Road
Cockburn Place	Cooper Street
Covesea Road	Deanshaugh Road
Deanshaugh Terrace	Duff Place
Duncan Drive	East Back Street
East High Street	Ferrier Terrace
Fulmar Road	Fraser Avenue
Harrison Terrace	Hermes Road
Larch Court	Lesmurdie Road
Linksfild Place	Longmoor Crescent
Lossiemouth Road	McKenzie Place
Mitchell Crescent	Morrison Road
Munro Place	Newfield Drive

Pringle Road	Reid Street
Spynie Street	West Back Street
West High Street	

HP5 Elgin Kingsmills/Central

Kingsmills	Beech Walk
Newmill Road	Calcots Court
Avon Walk	Findhorn Court
Blackburn Court	Inchbroom Walk
Fiddich Walk	Leuchars Drive
Hazel Court	Maple Walk
Kirkhill Court	Pitgaveney Court
Lossie Cottages	Rowan Court
Pitairlie Walk	Three Rivers Walk
Riverside Drive	Woodside Terrace
Spey Court	Chanonry Road
Willow Place	Institution Road
Cathedral Road	Masonic Close
Collie Street	Northport
King Street	Pansport Road
North College Street	South College Street
Pansport Place	
South College House	
Weaver Place	

HP6 Forres Central

Albert Street	Hainings West
Batchen Street	Hill Lane
Braid Crescent	Iowa Place
Brig Wynd	Kingsway
Burdshaugh	Leys Road
Califer Road	Logie Terrace
Caroline Street	Nicholson Place
Castlehill Road	North Road
Cicely Place	North Street
Castle Street	Pilmuir Road
Cumming Street	Moray Street
Claremont Place	Ramflat Road
Culbin Road	Randolph Lane
Drumine Road	Romach Road
Fulton Road	Roysvale Place
Hainings North	Roysvale Terrace
Hainings Road	Sharps Place

Hainings South	Stuart Street
Urquhart Street	St Laurance Court
Tolbooth Street	Strathcona Road

HP8 Lossiemouth

Bailey Place	Hythehill
Boyd Anderson Drive	Inchbroom Avenue
Castle Court	Kellas Avenue
Church Street	Macdonald Drive
Commerce Street	Macduff Street
Community Way	Marine Terrace
Coulardhill	Moray Street
Coulardhill Terrace	North Covesea Terrace
Cromarty Place	Ogston Lane
Dean Terrace	Park Place
Dunbar Court	Queens Lane
Dunbar Street	Ramsay Lane
Elgin Road	Rockall Place
Fairisle Place	Schoolhill Terrace
Forth Place	South Covesea Terrace
Forties Place	Spynie Place
Gilmour Crescent	St Gerardines Road
Grant Lane	Sunbank Place
Hillocks Way	Woodland Walk
Hillview Place	

HP11 Buckie

Archibald Grove	Milton Drive
Lorraine Baron Street	Raffan Road
Brodie Ave	Seatown
Bruce Avenue	Scott Terrace
Burns Square	Shearer Avenue
Douglas Cres	Stripeside
East Cathcart St	Wallace Avenue
Harbour Street	Well Road
Henry Terrace	West Street
Linn Crescent	Yuill Avenue
Mill Crescent	

Lot 2 – Commercial Buildings, Moray Wide

The Contractor is required to allow three visits per week for a 6-week period, at the beginning of each nesting window, to all 39 Council Commercial buildings identified below, using high powered lasers in the early hours of the morning and at various times to frighten and deter gulls from nesting.

An allowance is also required for an additional visit to each location at weekends to conduct hawking, which should include the use of licenced and professionally managed birds of prey to fly over areas to deter gulls.

These preventive measures will be conducted to all Commercial Buildings (Ref: Area 1 to 5) covering all building locations as listed below.

Area 1 – Elgin/Rothes/Mosstodloch (23Nr. Buildings)

Location	Property Ref.	Property Type:	Floor/Roof area (m2):
9 North Guildry Street Elgin	Z00006	Office	570
Council HQ, High Street, Elgin	Z00405	Office	2,070
*HQ Annexe High Street Elgin	Z01642	Office	Inc. above
Larch Court, Elgin	Z00026	Sheltered Accommodation	1,735
Cameron Park brae, Elgin	Z00029	Homeless Hostel	875
Cedarwood Day Centre, Edgar Road, Elgin	Z01073	Day Centre	590
Linkwood Primary School Elgin	Z01906	Primary School	2,175
Elgin High School, Elgin	Z01861	Secondary School	4,900
Special Education Centre, Beechbrae, Elgin	Z00012	Special Needs School	890
Elgin Bailing Plant, Moycroft	Z00306	Recycling Centre	1,500
Grant Lodge Cooper Park Elgin (Cat.B Listed)	Z00364	Listed Building	330
Elgin Library, Cooper Park, Elgin	Z00380	Library	1,920

Commented [JF3]: Why only 6 weeks? Also, who identifies when this starts/stops?

Commented [JF4R3]: Commencing at the nesting season. Seeking advice from contractor

Elgin Community Centre, Trinity Road, Elgin	Z00498	Community Centre	780
Cooper Park Depot, Elgin	Z00036	Depot	575
*Ashgrove Road Depot, Elgin (Cat.B Listed)	Z00402	Depot	4,375
*New Elgin Primary School, Bezack Street, Elgin		Primary School	3,110
*Greenwards Primary School, Edgar Road, Elgin		Primary School	2,420
*Bishopmill Primary School, Morriston Road, Elgin		Primary School	2,100
*East End Primary School, Institution Road, Elgin		Primary School	2,770
*West End Primary School, Mayne Road, Elgin		Primary School	1,400
*Seafield Primary School, Deanshaugh Terrace, Elgin		Primary School	2,120
*Unit 1, Mosstodloch Industrial Estate, Mosstodloch	Z00681	Depot	850
Roths Primary School	Z00490	Primary School	1,640

Area 2 – Lossiemouth (3Nr. Buildings)

Location:	Property Ref:	Property Type:	Floor/Roof area (m2):
*Lossiemouth High School, Lossiemouth	Z00439	Secondary School	5,575
Hythehill Primary School, Lossiemouth	Z00476	Primary School	2,000
St Gerardines Primary School, Lossiemouth	Z00477	Primary School	2,650

Area 3– Forres/Burghead (5Nr. Buildings)

Location:	Property Ref:	Property Type:	Floor/Roof area (m2):
*Forres Academy, Forres	Z00437	Secondary School	9,160
Applegrove Primary, School Forres	Z00461	Primary School	2,800
Pilmuir Primary School, Forres	Z00466	Primary School	1,600
Kinloss Primary School, Kinloss	Z00464	Primary School	1,650
Burghead Primary School, Burghead	Z00474	Primary School	1,310

Area 4 – Buckie (4Nr. Buildings)

Location:	Property Ref:	Property Type:	Floor/Roof area (m2):
Buckie High School, Buckie	Z00434	Secondary School	7,000
Millbank Primary School, Buckie	Z00445	Primary School	2,470
Burnie Home Buckie	Z01540	Day Centre	725
Findochty Primary School, Findochty	Z00444	Primary School	1,750

Area 5 – Keith/Aberlour (4nr. Buildings)

Location:	Property Ref:	Property Type:	Floor/Roof area (m2):
Keith Grammar School, Keith	Z00438	Secondary School	7,500
Speyside Swimming Pool/ High School, Aberlour	Z00441	Swimming Pool Secondary School	4,750

Aberlour Primary School, Aberlour (Cat.B Listed)	Z00481	Primary School	1,900
--	--------	----------------	-------

* - Sonic device also to be installed

Section C - Sonic Deterrent Devices

Sonic devices are to be supplied, installed, and regularly maintained during the periods highlighted below. Sonic devices should meet the following criteria: -

- Broadcast low frequency ultrasonic sounds.
- Have a minimum of 4 PA speakers.
- Coverage of up to 0.5-mile radius
- Weather resistant control box
- Randomly selected sounds produced each 6 seconds (24-hour operation).
- Built in generator unit with amplifier.
- Solar/battery backup.

Sonic devices are to be provided at locations as stated below; -

Lot 1 Housing (4Nr.)

Location:	Install Date:	Anticipated Duration:
Moray College Linkwood Annex, Elgin	w.c 25 March 2024	12 weeks
Shopping Centre, Glenmoray Drive, Elgin	w.c 25 March 2024	12 weeks
Osprey Flats, Reiket Lane, Elgin	w.c 25 March 2024	12 weeks
Dr Grays Hospital, Elgin	w.c 25 March 2024	12 weeks

Lot 2 Commercial (11Nr.)

Location:	Install Date:	Anticipated Duration:
New Elgin Primary School, Bezack Street, Elgin	w.c 25 March 2024	12 weeks
Greenwards Primary School, Edgar Road, Elgin	w.c 25 March 2024	12 weeks
Bishopmill Primary School, Morrison Road, Elgin	w.c 25 March 2024	12 weeks
East End Primary School, Institution Road, Elgin	w.c 25 March 2024	12 weeks
West End Primary School, Mayne Road, Elgin	w.c 25 March 2024	12 weeks
Seaford Primary School, Deanshaugh Terrace, Elgin	w.c 25 March 2024	12 weeks
Lossiemouth High School, Coulardbank Road, Lossiemouth	w.c 25 March 2024	12 weeks
Forres Academy. Burdsyard Road, Forres	w.c 25 March 2024	12 weeks
Mosstodloch DLO Depot, Mosstodloch	w.c 25 March 2024	12 weeks
Ashgrove DLO Depot, Ashgrove Road, Elgin	w.c 25 March 2024	12 weeks
Moray Council Annexe, High Street, Elgin	w.c 25 March 2024	12 weeks

Section D - Nest, Egg, and Chick Removal

Lot 1- Housing (Residential) and Lot 2 Commercial buildings, Moray Wide

The Moray Council has no statutory duty to act against gulls and cannot force the owners or occupiers of buildings to take appropriate action to reduce gull numbers. However, where the Council is the occupier of a property where gulls are causing nuisance, the Council does have a responsibility to resolve the issue. In such cases, action will be in accordance with the Wildlife and Countryside Act 1981 which allows authorised persons (the building owner) to act against the great black backed gull, the herring gull, and the lesser black backed gull where there is a threat to public health and safety and all other possible solutions have been tried.

To fulfil these obligations the appointed Contractor will act in the Council's interests to ensure that after all deterrent measures are taken, any gulls causing a threat to public health and safety are limited by actions such as nest and egg removal, with the removal of chicks only to be carried out in exceptional circumstances as guidance below.

Such measures should be done under licence from Nature Scot with materials disposed in accordance with SEPA guidelines. The new 2024 Nature Scot guidance should be followed as below, prior to any application to remove nesting gulls or chicks.

Gull Preserving Public Health or Public Safety licensing Process.

Understanding the differences between a risk to public health or safety and what is nuisance behaviour can be difficult. Managing behaviours which present a clear and obvious risk to public health or safety may require a licence to be issued in addition to preventative measures. However, for general nuisance behaviours, there is no licensable purpose. However, if the nuisance behaviour is directed at a particularly vulnerable group or individual then the impact of that behaviour can become such that it presents a risk to public health or safety, below is some guidance on what we consider to be a risk to public health or safety and what a nuisance behaviour is.

Dive bombing

Under most circumstances we would expect an employer or property owner to provide PPE (headwear or umbrella) or take necessary precautions to limit the frequency of dive bombing (provide an alternative access route), as an alternative solution to a licence. We would only consider this behaviour as a risk to public health or safety when the recipient of the dive bombing is a vulnerable person or group of persons, for example someone who is unable to defend themselves due to working at height, or due to certain forms of disability.

Aggression resulting in direct strike

In most circumstances we will consider this behaviour to be a risk to public health or safety. However, clear justification detailing why suitable alternative precautions to limit direct strikes have not been taken. For example, gulls are dive bombing staff and visitors entering a building, the employer or property owner has not provided any suitable PPE (e.g. protective headwear, or umbrella), resulting in injury because of direct strikes.

Noise disturbance

We will only consider this to be a risk to public health or safety under exceptional circumstances and will require clear well evidence reasoning why there is no other suitable alternative to licencing.

Droppings contaminating foodstuffs

This qualifies as a risk to public health or safety where the gull droppings are directly falling into or on food processing or preparation areas or accumulating in high quantities in dining areas. However, applicants will be required to justify why the gulls have been allowed to access areas such as these in the first place.

Small quantities on open air picnic benches will be considered a nuisance which can be remedied by maintaining good site and personal hygiene.

Build-up of nesting material in gas flues, air-conditioning units, active chimney pots or drainage systems

All old nests and nesting material are to be removed after each breeding season. This is only considered a risk to public health or safety where nest is built directly on or adjacent to gas flues, air-conditioning units, active chimneys, or drainage systems and where the build-up of nesting material in drainage/ ventilation systems is new (i.e. built in the current breeding season).

Disturbance or aggression on sites where people are working at height or with machinery

This will only be considered a risk to public health or safety when combined with other factors such as emergency repairs to roofing or lineman for power companies, provided that all appropriate PPE and H&S protocols are being followed, or for the operation of machinery at a waste disposal site where large congregation of gull directly in front of the driver may obstruct their view and so risks causing an accident. It is unlikely that gulls would present a health and safety risk to operators of machinery where gull numbers are small/minimal (e.g. forklift drivers in a warehouse or garden centre).

Lethal Control

Applications for the lethal control of chicks and adults will only be considered as a last resort. It must be clear that all suitable alternatives have been tried or legitimately ruled out, or that there are significant welfare concerns for the bird.

Here are some examples of what would and would not qualify:

Would qualify:

- An adult or chick has been found in a location where it poses a risk to public health or safety and cannot be removed without significantly harming the bird.
- A nest containing newly hatched chicks is at severe and likely risk of starting a fire, however in this case a licence for relocation within close vicinity of the nest site would be preferable to lethal control.

Would NOT qualify:

- A licence to kill chicks without any prior efforts being made to prevent nest building or hatching of the eggs.
- While carrying out the licenced removal of nest and eggs, a nest with chicks is discovered and appears to have been missed during previous visits.
- A licence is issued for nest and egg removal, but chicks are discovered upon carrying out the first site visit.

These cases would be refused on the basis they do not pass the 2nd legal test of no other satisfactory alternative.

Nuisance Gulls - Reporting and Response Timescales

The Contractor will receive an initial telephone call from Moray Council staff followed by a confirmation email highlighting the following information: -

1. The property address and location.
2. Tenant/Building user contact details.
3. Brief report of issue (e.g. swooping gulls etc.)
4. Response timescale - default response time is to visit within 24 hours of each report, however, Emergency situations to be responded within 4 hours of call.

The Contractor should provide the following information within three working days after each call is attended: -

1. Details of any action taken. (e.g. No Action/Nest Removed/ Nest & Eggs Removed/ Other Actions)
2. A copy of the Nature Scot licence application, if required.
3. A record of the date and time attended, and action taken (included on Invoice)
4. In the event of chicks requiring removal, authorisation is required in advance from the Contract Administrator.

Section E - Ancillary Works

Lot 1- Housing (Residential) and Lot 2 Commercial buildings, Moray Wide

The Contractor must provide detailed weekly reports summarising all works conducted throughout the duration of the contract, as well as a final summary report once the season has ended. Reports are to be emailed to the Contract Administrator.

Weekly reporting should include, but not be limited to:

- Time and date of visits
- Response time
- Details of any actions taken (e.g. No Action / Nest Removed / Nest & Eggs Removed / Bioclean etc)
- Nature Scot license numbers / reference, where applicable
- Cost breakdown per action

Any invoices issued must match to a corresponding weekly report.

Pre invoice approval is also required for any additional unmeasured works conducted such as additional works either within/ out with normal working hours or specialist disposal or cleaning activities.

Invoicing & Payment

All invoices must be sent electronically with 14 days of the works conducted, with payment to be made within 30 days.