
REPORT TO: ENVIRONMENTAL SERVICES COMMITTEE ON 7 AUGUST 2002

SUBJECT: CONTROL OF SEAGULLS

BY: DIRECTOR OF ENVIRONMENTAL SERVICES

1. Reason for Report

1.1 This report follows a request from the Committee at the meeting on 29 May 2002 that investigations be carried out to determine what steps if any, the Council could take to address the potential risks to health arising from the apparent increase in the seagull population. (Item 4 refers).

2. Background

2.1 Gulls – The Problem

2.1.1 Seagulls have been closely associated with the sea, fishing vessels and any human activity. They will feed, nest or rest in large numbers wherever conditions are favourable.

2.1.2 The general increase in seagull population has been attributed to the abundance of food and ‘easy pickings’ resulting from human activities. Sources of food for seagulls are primarily from fishing and fish processing, ploughing and agricultural activities, landfill sites, sewer outfalls and deliberate, non intentional or accidental feeding by humans.

2.1.3 Gulls can present a problem and cause a nuisance and damage to properties and on occasions can become aggressive and swoop on individuals. They are a problem in many parts of the world and there is no easy solution.

2.1.4 Complaints have also been received regarding noise made by seagulls.

2.1.5 The number of complaints received in the past two years by the Environmental Health Section are as follows:-

2000-2001	-	11
2001-2002	-	7
1 st April 2002 to 12 July 2002	-	11

2.1.6 Complaints are logged and an information leaflet is available to complainants on the action that can be taken to prevent seagulls nesting on properties. (**Appendix 1**)

2.1.7 The majority of complaints have been received from residents in Lossiemouth and Elgin.

2.2 Gulls – Health Risk

2.2.1 Gulls like other pests not only cause a nuisance but can also be carriers of human and animal disease such as Salmonellosis.

2.3 Gulls – Legal Position

2.3.1 The Council has no statutory duty to take action against gulls or to force other persons to do so.

2.3.2 There are, however, powers available to the Local Authority to take action against Seagulls. See **Appendix 2**. Under the Wildlife and Countryside Act 1981 as amended General Licences have been issued by the Scottish Executive in respect of action which could be taken against Great Black-backed Gulls, Lesser Black-backed Gulls and Herring Gulls. These actions include the killing or taking of these birds, the damaging or destruction of their nests or the taking or destruction of their eggs. The licences allow authorised persons which includes owners or occupiers of land, to take any of the aforesaid actions for the purposes of preserving public health or public safety, preventing the spread of disease or for preventing serious damage to livestock, foodstuffs for livestock, crops, etc. If any authorised person cannot demonstrate the purpose for the action taken against the gulls they would be committing an offence under the Act and liable to prosecution.

2.3.3 Under the Prevention of Damage by Pests Act 1949 it is the duty of the Local Authority to take steps to secure as far as practicable that its district is kept free from rats and mice. Apart from this statutory duty the provision of the pest control service is discretionary. There is no statutory duty placed on the Council to take similar measures to control Seagulls.

2.3.4 In broad terms only those gulls which threaten public safety and/or public health reasons may be killed, have their nests removed or have their eggs taken or destroyed.

2.4 Gulls – Control Measures

2.4.1 The various control measures available are:-

a) culling of gulls

There is not a universal opinion that a large-scale cull of birds would be effective.

This is a highly emotive subject and there are various organisations as well as members of the public who would be totally against culling of gulls.

The Scottish Executive have advised that any lethal action should only be taken as a last resort.

The shooting or taking gulls from individual properties may be justified under certain circumstances i.e. where there is satisfactory evidence that the safety of residents is being compromised.

b) egg removal, pricking

There are a number of methods including the removal of the eggs, the replacement of eggs with dummy eggs, the oiling of eggs or the pricking of eggs. All of these methods have the same result in that chicks don't hatch and therefore gulls do not display aggressive behaviour.

Eggs will have to be removed a number of times in the breeding season as they will be replaced once they are found not to be viable by the parent bird.

c) removal of nests

The removal of nests would prevent breeding birds from laying eggs which when hatched results in the parent birds displaying aggressive behaviour. However removal would be required on a number of occasions to be successful.

The removal of nests in housing areas may be justified on the basis of preserving public safety.

d) disturbance of birds

There are a variety of methods of disturbing or discouraging birds from particular locations including the use of birds of prey and bird scarers.

At Dallachy Landfill Site there are three methods of discouraging gulls in operation i.e. gas banger, hand held distress call and a bird control repellent all of which have a limited effect.

e) Proofing

Proofing can be by a number of methods including spikes, wires or nets. In the case of domestic properties birds normally nest on either chimney heads or the ledge between the chimneystack and the pitch of the roof. In both cases simple netting or spikes can be fitted which would prevent or discourage birds from nesting on these locations. Flat roofs and larger roofs of commercial and domestic buildings can present difficulties depending on their structure.

There is evidence that gulls will move to an adjoining property that has not been proofed.

f) Denying access of birds to food

A number of complaints have been made to the Environmental Health Section about members of the public encouraging gulls in to the area by feeding. There have been occasions where refuse bags have been torn open and their contents scattered about by gulls. However the wheelie bin system prevalent in Moray has greatly reduced such incidents.

g) education

The education of the public is vital to the success of reducing the impact of the gull population.

Included within education could be the provision of signs in strategic locations.

The Animal Services Officer has visited some members of the public and requested they discontinue feeding but in some instances co-operation has been refused. The publicising and distribution of the information leaflet on gulls in areas most affected by gull activity could be an option.

The information leaflet gives details of the legal position, the Councils responsibilities, the action people can take to help themselves and provides details of contractors that can proof and assist in the removal of nests and eggs.

2.5 Existing Arrangements by The Moray Council

- 2.5.1 Stephen Fairclough, Area Housing Manager has advised that the Housing Section will arrange for nests to be removed on an ad hoc basis and these would only be removed after the birds have fledged.
- 2.5.2 Ron Phillips, Property Manager has advised that the Property Section were occasionally involved in the cleaning of buildings which had been fouled by pigeons and they make use of a contract cleaning company to carry out the work. Property have not been involved in any problems relating to gulls.

2.6 Arrangements Made by other Authorities and Organisations for Dealing with Gulls

- 2.6.1 Highland Council gives advice on the control of Seagulls and a leaflet produced by RSPB on Herring Gulls is distributed.
- 2.6.2 A tendering exercise was undertaken by Aberdeenshire Council and a preferred contractor, commenced on 1st April 2002 to deal with the problem of Seagulls nesting on rooftops of domestic, commercial and industrial buildings. The Aberdeenshire Council takes direct action in respect of nesting on its own property and encourages other building owners to take similar action.
- 2.6.3 Dumfries and Galloway Council have received a considerable number of complaints regarding seagulls and a Seagull Focus Group was set up and considered the options highlighted under the control measures as detailed at paragraph 2.4. After looking at various methods of control Dumfries & Galloway currently only deal with the problem of seagulls on Council owned buildings and at the Landfill Site.
- 2.6.4 Tom Dewick, Bird Unit RAF Lossiemouth has advised that there has been an increase in the number of gulls but this was not significant. He advises that measures should be taken to stop feeding Seagulls. He is of the opinion that shooting is the best option and that the use of birds of prey for disturbing or discouraging gulls is of little value.

3. The Proposals

- 3.1 The Council has 5 options:-

- a) *Do nothing*

This option should not be considered, as it does not fulfil the expectations of the public or council members.

- b) *Act in an advisory role*

The Council is already involved in continuing to provide information in the form of a leaflet to owner/occupiers of domestic, commercial and industrial premises on what actions they could take for their premises.

The Council is already involved with litter control and an education programme.

c) Carry out limited action

The Council could in addition to those actions identified in b) above, also fund a service to carry out proofing of domestic buildings.

The Council could consider proofing their own buildings including Council houses.

The Refuse tips could be considered for some form of control measures within the constraints of the general licence.

d) Carry out a full active role

The Council could in addition to those activities outlined in c) provide a service for carrying out the removal of nests, eggs and chicks where it can be justified that such action would comply with the appropriate general licence aforementioned where public safety is compromised.

The fundamental question that arises from this option is whether the Council should be involved in killing birds even if public safety is at risk.

e) Consider having a preferred contractor

The Council could consider having an arrangement with a preferred contractor who would remove nests or proof buildings in the ownership of Moray Council.

With regard to privately owned buildings a charge would be made by the contractor to the owner of the building. An arrangement could be made for the preferred contractor to remove the nests or proof the building and this is similar to the arrangement currently in operation in Aberdeenshire.

4. Financial Implications

4.1 There could be considerable financial implications for the Council if they were to carry out any measures beyond existing activities e.g. to remove nests and proof Council houses and properties.

4.2 There would also be implications if further control measures were to be adopted at landfill sites.

4.3 There is no budget for expenditure such as this other than to provide leaflets and a reactive service as detailed in Section 2.5.1.

5. Staffing Implications

5.1 The Animal Services Officers could not absorb any additional workload with regard to seagull control.

6. Environmental Implications

6.1 The gull population has an impact on the environment through fouling and noise.

7. Corporate Plan Implications

7.1 Addressing the problems caused by seagulls whether by education, direct action, control of waste or by other means will comply with the strategic objectives in the Environmental Programme by maintaining a safe clean pleasant and sustainable environment, by providing public education information and advice to the community and by minimising waste.

8. Consultations

8.1 Consultations have taken place with the following and their comments and information provided have been incorporated into this report.

Alan Yates Protective Services Highland Council.

Colin Campbell, Environmental Health Manager (North) Aberdeenshire Council.

David Grant, Chief Environmental Health Officer, Dumfries & Galloway Council.

Tom Dewick, Bird Unit RAF Lossiemouth.

Stephen Fairclough, Area Housing Manager, Moray Council.

Ron Phillips, Property Manager, Moray Council.

Ian Bruce, Environmental Protection Manager, Moray Council.

Mike McClafferty, Senior Area Housing Manager, Moray Council.

8.1.1 A letter of observation has been received from Animal Concern Advice Line, C/o Animal Concern, PO Box 5178, Dumbarton – **Appendix 3**.

9. Recommendations

9.1 It is recommended that the Committee agrees that:-

- i) The Environmental Health Section continues to provide information and advice on the control of gulls in line with current practice.**
- ii) The Moray Council makes arrangements to remove nests and proof buildings in their ownership as necessary in line with current practice.**
- iii) householders be discouraged from feeding Seagulls.**
- iv) wheelie bins continue to be used for the storage of refuse.**

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Background Papers:

Ref: SI/BDH

Signature:

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