



**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON
6 SEPTEMBER 2016**

SUBJECT: CONTROL OF GULLS

**BY: CORPORATE DIRECTOR (ECONOMIC DEVELOPMENT,
PLANNING AND INFRASTRUCTURE)**

1. REASON FOR REPORT

- 1.1 This report considers the issues caused by gulls and the potential actions that could be taken to reduce gull numbers.
- 1.2 This report is submitted in terms of Section III (D) (16) of the Council's Scheme of Administration relating to the functions of the Council as the Environmental Health Authority.

2. RECOMMENDATION

- 2.1 **It is recommended that the Committee notes the information presented and confirms that no additional action should be taken at this time to control gulls.**

3. BACKGROUND

- 3.1 Gulls in an urban environment can cause concern for members of the public and these concerns are often expressed through social media or the local press requesting that action be taking to remove or even cull gulls.
- 3.2 Gulls are scavengers and engage in any activity which provides them with a food source. This brings them into conflict with humans. They will feed, nest and rest in large numbers where the conditions are favourable. The general increase in the gull population has been attributed to the abundance of food resulting from human activities. Food for gulls is provided from fishing and fish processing, farming, landfill sites, sewer outfalls and deliberate or accidental feeding by humans including waste and litter. There is no current assessment of the scale of the issue affecting the UK or any local assessments for this area.

- 3.3 Gulls can cause annoyance and distress to the public in several ways; direct stealing of food from people's hands in town centre areas; aggressive behaviour e.g. swooping and dive bombing by parent birds in the defence of young birds; noise by calling/screeching particularly after first light in residential areas; contamination of cars, buildings, washing and people; litter caused by gulls foraging in open bins and other sources for food that is not secured or out of reach. The aggressive behaviour of the gulls begins when the chicks hatch and continue well into the summer although the young have left the nest but usually are on the ground near the nesting area still being fed. The keening by the chicks triggers the parents' action to protect their young. It is unusual for gulls to be aggressive outwith the hatching season unless they have learned an easy food source e.g. by taking from humans (usually a child) hands when eating outdoors.

4. COMPLAINT ANALYSIS

- 4.1 The number of complaints received by Environmental Health has indicated a downward trend over recent years, i.e. 2012/13 – 71 complaints, 2013/14 – 57 complaints, 2014/15 – 19 complaints, 2015/16 - 15 complaints. We are aware however that business associations and other sections of the Local Authority have received complaints in respect of persons being attacked by gulls, some social media campaigns and incidents in other areas that have been reported in the national press.
- 4.2 In 2014/15, The Moray Council implemented a prevention publicity campaign prior to the nesting season in an effort to encourage building owners to prevent gulls nesting in their properties. In addition, known problem areas were targeted in order to discourage persons' deliberately or accidentally feeding gulls. In response to this, the Council received 17 complaints about feeding gulls, 1 of which resulted in a warning letter, 3 could not be investigated due to lack of information and the remainder were dealt with by advice/informal action.
- 4.3 In 2015, a petition was submitted regarding the gulls on the roof of Speyside High School adversely affecting the local residents. As the breeding season had begun, this resulted in ongoing control throughout the rest of the season. A long term solution will be required.
- 4.4 The above numbers do not include complaints direct to service departments concerning gulls nesting on Council buildings, complaints of this nature continue to be received although they are related to specific properties where problems occur.

5. POTENTIAL CONTROL MEASURES

Proofing

- 5.1 Proofing can be achieved by a number of methods including the use of spikes, wires or nets. In the case of domestic property, birds usually nest in chimney breast or the leg between the chimney stack and the pitch of a roof. In both cases, there are simple permanent methods of prevention that can be

applied from cement collars to spikes which, when fitted, will prevent or discourage birds from nesting in these locations. Flat roofs, larger roofs on commercial and domestic buildings can present difficulties depending on the structure. Within Elgin, this includes netting the entire roof (Asda) to installing passive scarers (Halfords) the latter of which had a limited effect and gulls are noted as again populating this roof. If the proofing has been successful, the gulls will move to an adjoining property that has not been adequately proofed.

Killing of Gulls

- 5.2 This is a highly emotive subject and there are various organisations, as well as members of the public, who would be against the killing of gulls. There is also doubt about the effectiveness of this method as it is usually the case that other gulls quickly move to the location where the gulls have been killed. The Scottish Government has also advised that lethal action should only be taken as a last resort as per the Scottish Natural Heritage (SNH) general licence.

Action on Eggs

- 5.3 There are a number of methods available, including, replacement with imitation eggs, oiling of or pricking of eggs and removal of eggs. It should be noted that where eggs are removed this will require to be carried out a number of times during a breeding season as the gulls will lay replacement clutches. All of these actions result in eggs that don't hatch and therefore gulls do not display aggressive behaviour. As birds will return to the same nesting site year on year, this has to be carried out for two to three years before the birds relocate to a potentially more successful site.

Removal of nests

- 5.4 The removal of nests prevents breeding birds from laying eggs which, when hatched result in the parents displaying aggressive behaviour. As with the removal of eggs, the nests will either be required to be removed on a number of occasions or the area adequately proofed as the gulls will build new nests until late into the breeding season.
- 5.5 There are various ways of implementing the actions indicated in paragraph 5.2 and 5.3 above, ranging from the use of drones to oil eggs, to members of staff physically removing the nest or eggs.

Disturbance of Birds

- 5.6 There is a variety of methods of disturbing and discouraging birds from particular locations, including the use of birds of prey and bird scarers. Birds of prey have been used in neighbouring authorities where they were released in certain targeted town centre areas. This proved to be initially effective however the effectiveness reduced once the eggs hatched. It has also been suggested that although it reduced the incidences of complaints regarding aggressive behaviours in the targeted locations, the complaints in neighbouring areas, out with the intervention area, increased.

Denying access by birds to food

- 5.7 The introduction of wheelie bins some years ago was a successful intervention that reduced easy access to food but litter and refuse is still inappropriately left in a manner that gulls have access to. Despite The Moray Council's publicity campaign people still feed the gulls, whether deliberately or inadvertently, by putting out inappropriate food (scraps) for "little birds". It has also been noted that school children deliberately feed the birds to encourage the swooping and dive bombing. There is a facility on the Council's website where an individual can report feeding activity which triggers a visit from the Community Warden. To date, few individuals have been willing to be named witnesses. In these circumstances, the warden will have to witness the individual deliberately targeting the gulls as the recipient of the food being provided to enable more punitive action to be taken.

Education

- 5.8 The education of the public is important in reducing the impact of the gulls as human activity is the main source of the problem. The gulls are acting naturally, are fast learners and adapt to easy food readily. Urban roofs are also being found as suitable successful rearing sites and gulls have rapidly become urbanised.
- 5.9 All of the above solutions are long term and have to be repeated a number of times in each season and over a number of years before any lasting effect may be noticed if at all.

6. LEGAL POSITION

- 6.1 The Moray Council has no statutory duty to take action 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 owner/occupier of a property where gulls are causing nuisance the Council it does have a responsibility to resolve the issue.
- 6.2 A general licence is available under the Wildlife and Countryside Act 1981 to allow authorised persons to take action 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. An authorised person is usually the owner or occupier of a building.
- 6.3 Where there is evidence that deliberate feeding of gulls is being carried out and the responsible person refuses to desist to prevent problems caused by gulls, consideration may be given to taking appropriate action after consultation with the Anti- Social Behaviour Co-ordinator, Legal Services and where appropriate Police Scotland. Evidence of persistent deliberate feeding of gulls would be necessary before an Anti Social Behaviour Order (ASBO) could be applied for. This approach would need to be seen as being reasonable and proportionate.

7. OPTIONS

- 7.1 At the present time, The Moray Council has not identified a specific budget for the control of gulls. Environmental Health provide an advisory service through the website and will investigate complaints to establish if a nuisance exists and educate the public not to feed gulls.
- 7.2 Education, Housing and Property are responsible for the control of gulls on their premises and will commission work to remove nests or proof buildings when necessary. It should be noted that in the current financial climate and the policy relating to capital expenditure being one of make do and mend it is unlikely the proofing of buildings against nesting gulls would be seen as a priority unless significant problems occur.
- 7.3 It is not felt that the culling of gulls is an acceptable or proven solution to the issues caused. Experience from other authorities would indicate that long term removal of nests or eggs can be successful over a long period of time at preventing population growth or reducing gull populations in specific areas but this requires long term funding to maintain the control programme.
- 7.4 If such a programme were to be managed through Environmental Health, it would require an additional member of staff to manage a contract for the removal of nests, oiling of eggs, deterrent activities and proofing. The cost of the contractor would also be an additional cost estimated to be in the region of £100 per nest, £180 per day for a deterrent such as a hawk and proofing can vary significantly depending on the building and area covered. Unless there was a commitment across all Council services, Community Planning Partners and the private property owners to tackle issues relating to gulls through the contract then it would not be efficient or effective to provide this service.
- 7.5 Whilst alternatives such as the provision of a cherry picker and handler to communities for the removal of nests, this would not come without a cost estimated to be £54.17 per hour and would be dependent on availability at the right time of year and is not therefore a satisfactory solution to the issue.
- 7.6 The matter has been discussed at the Community Planning Officers Group and there is no commitment from partners to participate in a programme as described in paragraph 7.4 above.

8. SUMMARY OF IMPLICATIONS

(a) Moray 2026: A Plan for the Future and Moray Corporate Plan 2015 - 2017

Health and safer communities are priorities within the Moray 2026 plan but the levels of complaints associated with gulls is low and cannot be considered a priority.

(b) Policy and Legal

There is no statutory requirement for the Council to control gulls. The presence of gulls can result in a statutory nuisance but only in cases where the property owner contributes to the attraction of the gulls by the nature of the activities taking place on site.

(c) Financial Implications

The cost of employing a person to manage a contract would be £47k per annum. In addition the cost of the works carried out could be between £25k- £100k per annum some of which may be paid by the property owners.

There is no budget for the provision of this work and it would require a decision of The Moray Council given the level of funding likely to be required.

The Council is facing significant financial constraints and any proposal to increase the budget for non-statutory service provision is a threat to the Council achieving a sustainable financial position by March 2018.

(d) Risk Implications

The issues associated with gulls is well documented in the press and social media, however this is not reflected in the level of complaints received by the Council concerning gulls. Although gulls can spread disease such as salmonellosis, the risk is extremely low and is not in itself a reason to control gulls.

Should funding be provided and a member of staff and contracts established, the programme would only be effective if property owners engaged with the process and commissioned work to remove nests or eggs. There is no guarantee that this would happen. This option is already available to building owners through private contractors.

(d) Staffing Implications

Environmental Health do not have sufficient staffing capacity to resource this work, therefore an additional post would need to be created.

(e) Property

Control of birds that are causing a nuisance and the proofing of buildings to prevent nesting is the responsibility of the property owner and in the Council this is undertaken by the service responsible for the maintenance and repair of the building.

Options to proof buildings and remove nests and eggs are already undertaken by these services when necessary. Additional budget would be required if this work was to be prioritised.

(g) Equalities

There are no equality issues associated with this report.

(h) Consultations

The Corporate Director (Economic Development Planning & Infrastructure), The Legal Services Manager (Property and Contracts), Lorraine Paisey (Principal Accountant), the Educational Resources Manager, the Equalities Officer, the Head of Lifelong Learning, the Environmental Protection Manager and Darren Westmacott (Committee Services Officer) have been consulted and comments incorporated into this report.

9. CONCLUSION

- 9.1 Although gulls and the issues presented by them are often reported on social media and through the press, Environmental Health receives few complaints. The Council has no statutory duty to control gulls.**
- 9.2 Issues with gulls are currently dealt with by Environmental Health through education and efforts to prevent people feeding gulls. Gulls causing problems on specific Council buildings are dealt with by the appropriate department responsible for the building.**
- 9.3 To be effective any programme to control gull populations needs to employ a range of methodologies and needs to be carried out consistently over numerous years.**
- 9.4 Such control programmes have been shown to reduce gull populations in specific targeted areas although sometimes this just displaces the problem to surrounding areas.**
- 9.5 The cost of providing an effective control programme over a number of years would be significant and is not recommended at this time**

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