ABSTRACT: This report sets out present and additional measures that could be introduced to improve the management of the issues arising from the seagull population in Angus.

1. Recommendation

It is recommended that the Council:-

(i) Notes the report;

(ii) Agree the recommendations of the report:-

(a) That the council should only consider culling seagulls on a case by case basis where all other means of control have been exhausted;

(b) That consideration is given to including requirements in respect of roof angle on larger commercial premises in planning guidance and advice to developers;

(c) That gull proof bags for domestic waste are introduced on a pilot basis in areas not provided with wheeled bins and which have a proven specific issue with seagulls;

(d) That additional publicity is given to seagull issues and how to respond to them in Angus Life and the council tenants newsletter etc;

(e) That the existing nest removal service is extended to include smaller non-domestic premises in residential areas;

(f) That the existing contract for the flying of hawks to deter nesting is extended by one month to increase its impact;

(g) That current arrangements for enforcement of littering and other relevant council powers are reviewed to increase their effectiveness.

2. Background

2.1 At its meeting on 15 September 2011 the Council considered a motion relating to the management of issues created in the community by the sizeable seagull population of the county. The wording of the resolution passed by the meeting was as follows:

“That this Council agrees that the Chief Executive bring a Report outlining the current Angus Council policy. What actions we take at present, what actions we could take under current legislation and what new measures we could introduce to improve the management of the issues arising from the significant seagull population in Angus. The Report to be submitted as soon as possible to Angus Council and not later than 15 Dec 2011”

This report is presented in response to resolution.
3. CURRENT POSITION

3.1 Seagull nuisance has been considered a problem in coastal burghs for a number of years. As far back as 1985 Angus District Council commissioned a report on the situation in Arbroath and agreed to provide a free nest/egg removal service from May 1986. This continued on an annual basis for 10 years and is believed to have resulted in a significant decrease in the seagull population and a noticeable reduction in associated nuisance. This service was discontinued in April 1996, however was subsequently re-introduced on a county wide basis in 2009.

3.2 There are two species of gull present in Angus most often associated with nuisance and other issues. Herring gulls are large birds with mature birds reaching an average of about 55cms (22”) from bill to tail with a wingspan of about 85cm (34”). They have silver-grey wings and pink legs. Black-backed gulls are smaller and have a slate grey back and yellow, rather than pink legs. Both species begin mating in April and commence nest building from early May onwards. Birds can live for 30 years and breed every year from about the age of 5. As a result the potential for a growing population is significant. Whilst there is no scientific or verifiable count of gulls in the area, it is estimated by Infrastructure Services that there are approximately 5000 breeding pairs of gulls in Angus which compares to an estimate of 9,500 breeding pairs in Aberdeen City.

3.3 Many people who have gulls on or near their property find they cause annoyance. Commonly cited problems include:

- Noise caused by calling gulls
- Mess caused by their droppings
- Damage to property caused by blocked drains etc
- Diving and swooping on people and pets (particularly during nesting season)

3.4 Available statistics do not suggest any significant worsening of the position in Angus since 2008 when seagull related matters were last considered by the council. For example of 422 littering complaints to the council in 2010/11 only 6 related to seagulls. There were 261 requests for nest removal in the 2011 season compared to 266 in 2010. In 2011 there were 132 requests for advice or general guidance reduced from 153 requests in 2010.

3.5 Other than issues from swooping and aggressive behaviour, occasional insect infestations from nesting gulls, and issues arising from the blocking of flues by nests, there are no direct implications for public health from seagulls. Noise is the most common cause of complaint to the Environmental Health team.

4. CURRENT CONTROL METHODS

4.1 The council undertakes a range of activities to assist with the management of the seagull population and issues caused by local gull population which impact on humans. These include ;-:

- Production and distribution of awareness raising and information material – this includes web content, a booklet and promotional posters;
- A free nest removal service for domestic premises – as noted above 261 were attended to in the 2010 season and 266 in 2011;
- Flying of birds of prey to deter gulls from nesting in urban areas during the breeding season - a seasonal falconry contract is in place over the key nesting period;
- Flying of birds of prey all year round at the council’s landfill site – a year round contract with a falconer is in place;
- Frequent emptying of litter bins – i.e. 2 or 3 times per day with a focus on the busiest town centre and sea front locations;
- The use of wheeled bin domestic and trade waste systems reducing the ease of access for birds to food sources;
- Litter enforcement action by Community Wardens contributing to reducing the amount of food litter attracting birds to particular locations;
- Placing a 30 yard radius litter picking requirement on fast food outlets;
- Proofing vulnerable council properties, lamp columns etc.;
- In addition the council holds a general licence to cull, although this has not been utilised to date.
5. OPTIONS FOR CONSIDERATION

5.1 In order to identify actions and developments that might be considered officers have undertaken some research into the approaches followed by other councils and private sector organisations. Consideration has also been given to ways in which the council’s current activities could be developed to achieve greater effect. The following paragraphs set out the options that might be considered.

5.2 Culling – As mentioned above the council holds a general licence issued by the Scottish Government and could, in certain circumstances, cull the seagull population. However, the council would need to clearly demonstrate that all other means of control had been tried and exhausted and critically that there was a risk to public health or safety. Should the Council undertake a cull it should be noted that culling is ordinarily done by shooting or by netting and neck ringing. Neither is a particularly effective means of population reduction, and both are likely to attract adverse criticism from both the public and wildlife pressure groups. It is unlikely that a clear link to public health issues could be demonstrated. It should also be noted that the herring gull is on the “amber” list in Scotland – i.e. the population level is a cause for concern, and that the general licence issued in England no longer permits the culling of this species.

5.3 Contraception – It had been suggested on a number of occasions that contraception might be considered. This would perhaps be feasible by means of baited food sources. Research has established that there is in fact no contraceptive substance licensed for use in the UK with birds of any kind, so this is not an option that can be considered further at the present time.

5.4 Better Proofing/Deterrence – The pitch of a roof is a key factor in the selection of nesting sites by gulls. Large flat roofs (supermarkets, factory units etc) are especially attractive. The inclusion of requirements in respect of roof angle or pitch in planning guidance could, over time, bring about a reduction in the number and size of attractive nesting sites. Standard proofing spikes do not deter seagulls whose longer legs (when compared to pigeons for example) often render proofing spikes ineffective.

5.5 Waste Management – In areas where white sacks rather than wheeled bins are provided to residents there is a possibility that easier access to household waste may attract gulls. This could be reduced by the introduction of gull-proof waste bags as are already in use in a small number of councils. There would be a significant cost associated with this development with the use of resistant bags for all “white sack” users, but their use in specific areas may be beneficial. The comprehensive enforcement of littering legislation by making use of all council staff with enforcement powers could assist in the food supply on the street and the attractiveness to gulls of particular locations around Angus being reduced. The progressive development of a zero waste culture in Angus will also assist.

5.6 By Laws – In the past consideration has been given to the introduction of specific by laws to prevent the feeding of birds in particular locations. This is within the power of the council, but the effectiveness and enforceability of such measures is open to question. Existing littering legislation may provide a more certain process provided a suitable approach to enforcement is in place.

5.7 Improved Communication – The council’s existing publicity and communication compares favourably with that of other councils and, provided it is kept up to date, does not need amendment. However, a higher level of communication and some supplementary materials might be of use. For example, improved signage in public places e.g. sea front areas and parks in particular, increased promotion of the nest removal service via the council’s tenant newsletter, and targeted seasonal campaigns might be effective. Consideration might also be given to the use of signage on council vehicles to promote key messages about bird feeding, the availability of the nest removal service and so on.

5.8 Development of the Nest Removal Service – The extension of the council’s existing scheme to the premises of smaller businesses on a free of charge basis might be considered. It would not be appropriate to extend this scheme to all businesses, but in circumstances where gulls nesting on a commercial property were causing nuisance to nearby residents, then a free egg and nest removal service could be offered. A more proactive campaign with larger employers and organisations to encourage them to pay greater attention to roof nesting birds might also pay dividends. The current council house tenancy agreement prevents the council as landlord from acting to remove a nest where the tenant has not given consent. It may be that this clause could be removed from future new tenancies to allow removal from all council properties where there is a cause for concern.
5.9 **Use of Birds of Prey** – As noted above birds of prey have been used to some effect at the council’s landfill site and in other locations. A particular benefit is the ability to deter birds from nesting in key areas at the nesting time. The current contractor has advised that a small extension in the period of flying hawks for this purpose might be beneficial as the nesting season appears to be lengthening with climate change. The effect is only to relocate nests rather than reduce population, however, this could be very helpful in reducing the impact of the population on humans in residential areas.

6. **STATUTORY CONSIDERATIONS**

6.1 The council has power to act on issues arising from the seagull population in a number of areas including public health, public safety, littering and so on. However it should be noted that any action that the council decides to take in order to reduce or better manage the seagull population must be within the terms of relevant wildlife and countryside legislation. In the round the law in this area limits the steps the council might consider. Seagulls are offered a degree of protection by this legislation and therefore population reduction is only possible in the circumstances described in the relevant sections of this report.

7. **FINANCIAL IMPLICATIONS**

7.1 The council already spends a measurable amount on seagull management activity. The principal activities undertaken with regard to seagull management activity in the Angus burghs (excluding the Council’s landfill site) are as follows -

<table>
<thead>
<tr>
<th>Activity</th>
<th>2010/11 £</th>
</tr>
</thead>
<tbody>
<tr>
<td>Free nest removal service</td>
<td>10,115</td>
</tr>
<tr>
<td>Production of promotional materials (no materials purchased in 2010/11)</td>
<td>0</td>
</tr>
<tr>
<td>Falconers contract</td>
<td>4,920</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>15,035</strong></td>
</tr>
</tbody>
</table>

As noted above, the actual cost incurred by the Environmental & Consumer Protection Division in 2010/11 in relation to seagull management activities was circa £15,000. A sum of £18,000 has been allowed for in the 2011/12 revenue budget.

The estimated additional costs associated with the implementation of the recommendations set out above in a full financial year are as follows -

<table>
<thead>
<tr>
<th>Activity</th>
<th>£</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Extension and improvement of free nest removal service</td>
<td>2,000</td>
</tr>
<tr>
<td>2. Increased publicity materials</td>
<td>1,000</td>
</tr>
<tr>
<td>3. Pilot scheme for the provision of gull-proof waste bags</td>
<td>500</td>
</tr>
<tr>
<td>4. Extension of falconry contract</td>
<td>1,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>4,500</strong></td>
</tr>
</tbody>
</table>

Given the low level of additional expenditure involved it is estimated that this can be accommodated from within the Infrastructure Services and Neighbourhood Services Revenue Budgets for the 2012/13 financial year. The cost of full roll out of using gull proof waste bags (assuming a successful pilot) would be more significant and would therefore need further consideration as to the costs and benefits prior to being implemented.

8. **HUMAN RIGHTS IMPLICATIONS**

There are no Human Rights implications arising from this report.

9. **EQUALITIES IMPLICATIONS**

There are no Equalities Implications associated with this report.
10. **RISK**

This report does not require any specific risks to be addressed and in seeking to strike a balance between tackling the complaints raised and not persecuting the gull population the report proposes a middle ground which can be kept under review.

11. **CONSULTATION**

The Directors of Corporate Services, Neighbourhood Services and Infrastructure Services, and the Heads of Finance and Law and Administration have been consulted in the preparation of this report.

12. **CONCLUSION**

Through raising awareness of the issue Angus Council has been able to develop a corporate and balanced response to the matter. The fact that worldwide the gull population is in overall decline requires a response which seeks to balance appropriate intervention and enforcement whilst securing a harmony with the gull population. Angus Council can point to a proportionate and well resourced set of actions to addressing public concerns raised by this issue and whilst the report sets out measures for improvement Members are asked to note that gulls are a factor of coastal life and that every effort is being made to properly manage the situation.

RICHARD STIFF
CHIEF EXECUTIVE

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**NOTE:** No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.