



## City and County of Swansea

### Notice of Meeting

You are invited to attend a Special Meeting of the

## Scrutiny Performance Panel - Natural Environment

**At:** Committee Room 3 - Civic Centre, Swansea

**On:** Tuesday, 22 October 2019

**Time:** 11.30 am

**Convenor:** Councillor Peter K Jones

#### Membership:

Councillors: E W Fitzgerald, J A Hale, M H Jones, I E Mann, H M Morris, C Richards, B J Rowlands, M Sherwood, W G Thomas and L J Tyler-Lloyd

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### Agenda

Page No.

**1 Apologies for Absence**

**2 Disclosure of Personal and Prejudicial Interests**

[www.swansea.gov.uk/disclosuresofinterests](http://www.swansea.gov.uk/disclosuresofinterests)

**3 Prohibition of Whipped Votes and Declaration of Party Whips**

**4 Public Questions**

Questions must relate to matters on the open part of the Agenda of the meeting, and will be dealt with within a 10 minute period

**5 Discussion on Public Concerns - Gull Nuisance**

**1 - 15**

a) Public Concerns.

b) Report from Cabinet Member for Environment & Infrastructure Management.

c) Information from Royal Society for the Protection of Birds.

**Next Meeting:** Monday, 16 December 2019 at 10.00 am

A handwritten signature in black ink that reads 'Huw Evans'.

**Huw Evans**

**Head of Democratic Services**

**Wednesday, 16 October 2019**

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**Contact: Brij Madahar, Scrutiny Officer – Tel (01792) 637257**

# Agenda Item 5



## Report of the Convener

Natural Environment Scrutiny Performance Panel – 22 October 2019

### Public Concerns – Gull Nuisance

<b>Purpose</b>	The Panel has been asked by the Scrutiny Programme Committee to deal with a public request for scrutiny concerning problem with gull nuisance.
<b>Content</b>	This report outlines the public concerns and appends relevant information for the Panel's consideration including a report from the Cabinet Member for Environment & Infrastructure Management, Councillor Mark Thomas.
<b>Councillors are being asked to</b>	<ul style="list-style-type: none"><li>• Consider the public concerns and information provided</li><li>• Make comments and recommendation as necessary</li></ul>
<b>Lead Councillor(s)</b>	Councillor Peter Jones (convener)
<b>Lead Officer &amp; Report Author</b>	Brij Madahar Tel: 01792 637257 E-mail: <a href="mailto:scrutiny@swansea.gov.uk">scrutiny@swansea.gov.uk</a>

#### 1. Introduction

- 1.1 Members of the public are able to make requests for scrutiny by contacting the Chair of the Scrutiny Programme Committee or Scrutiny Team in writing detailing the issue of concern, its impact, and suggested action. A public request for scrutiny was received in July and was reported by the Chair of the Committee to the Scrutiny Programme Committee at its meeting on 12 August to consider what to do with the request.
- 1.2 The request for scrutiny came from residents of Mayals with concern about nuisance from gulls and anti-social behaviour of people feeding the gulls within communities and urban areas. There is concern that the Council is failing to safeguard residents' well-being, health and safety by not deterring those feeding the birds. The members of the public have already been in contact with the Council about the issues being experienced in their community but to date have been advised the Council is unable to take any action, such as carrying out a public campaign. The Committee will note that Swansea had a campaign a few years ago to get the public to 'feed the bins, not the birds'. The Committee should also note that this issue was reported upon in the

South Wales Evening Post (Front Page and p5, 18 July 2019) and has also been raised at Welsh Government level by Dr Dai Lloyd, AM for South Wales West in order that there is a consistent approach across Wales by local councils. A copy of the press article is **appended**.

- 1.3 It was agreed by the Committee that this matter be referred to the Natural Environment Scrutiny Performance Panel to explore the concerns, seek response from relevant Cabinet Member / officer(s), hear from relevant persons, discuss possible solutions, and consider whether, and what, action may be necessary to recommend. The Committee acknowledged that this issue affected residents across Swansea.

## **2 Information for Consideration**

- 2.1 The persons making the request for scrutiny, Mr Phil Slater and Mrs Caroline Slater on behalf of Mayals Friends and Residents Group, have been invited to the Panel meeting to outline the issues. They are calling on the Council to follow the growing number of other Authorities in Wales and the UK to tackle this issue. At the very least they suggest the Council could prepare a generic warning letter to send to a minority (but growing number) of anti-social residents intent on feeding them.

- 2.2 Amongst the specific issues they have raised in correspondence include:

- Residents and pets being attacked by gulls in Mayals and surrounding areas.
- Spread of urban gulls having detrimental effect on residents' quality of life and mental well-being. They are very large and aggressive birds and their invasion of our neighbourhood is extremely stressful to live with.
- Being woken in the early hours of the morning as it is impossible to sleep through the gulls screeching.
- Residents are no longer able to enjoy their gardens in relative peace due to the gulls calling to be fed and/or those now nesting in the immediate area.
- Some residents are now afraid to let their children play unattended in their own gardens and can no longer let them take food outside for fear of attack.
- Residents have to put up with damage to their property, and residents' washing and property (cars / windows) is regularly defecated on.
- Residents are faced with significant costs to try and gull-proof their homes and carry an increased risk of their chimney flues being blocked with nesting material, which can lead to carbon monoxide poisoning.
- Council's refusal to take action to stop anti-social individuals feeding the gulls and engage with residents on this issue, and misunderstanding the problem. The only advice the Council has offered to date is for residents to gull-proof their homes, but the

quotations received so far from 3 pest control companies are cost prohibitive.

- Some residents have been intimidated by the actions of some anti-social individuals.
- The avian expert & urban gull specialist Peter Rock advises that the only way to control the number of urban gulls and their invasion of the urban environment is to control their food source.
- This issue will not go away by itself, is now intolerable, and will only get worse

They have provided a copy of a poster [Mumbles Community Council](#) has published on its website '10 reasons not to feed seagulls' – see **attached**.

- 2.3 The relevant Cabinet Member, Councillor Mark Thomas (Cabinet Member for Environment & Infrastructure Management), will attend the meeting, and has provided a written report (see **Appendix 3**) to account for the Council's position on this matter, and respond to the public concern. The relevant Head of Service, Mark Wade (Head of Housing & Public Health) and Team Leader (Pollution Control & Private Sector Housing), Tom Price will also attend to help present the report and provide advice. This report also includes input from legal services about powers and actions available.
- 2.4 Information provided by the Royal Society for the Protection of Birds is also attached (**Appendix 4**). This includes advice obtained from Katie-Jo Luxton, Director of RSPB Cymru, and relevant information from the RSPB's website.

**Background Papers:** None

**Appendices:**

**Appendix 1** – South Wales Evening Post Newspaper Article

**Appendix 2** – Poster – 10 reasons not to feed seagulls

**Appendix 3** – Report of the Cabinet Member for Environment & infrastructure Management – Urban Gulls in Mayals

**Appendix 4** – Information provided by the Royal Society for the Protection of Birds

# Seagulls' attacks on children and pets spark call for action

**Liz Perkins**  
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 elizabeth.perkins@walesonline.co.uk

AGGRESSIVE seagulls are making life a misery in Swansea, with children and pets being attacked by the birds.

The creatures have sparked fear among residents in Mayvals and led to a wave of complaints.

Following the attacks by the problem birds, Dr Dai Lloyd, AM for South Wales West, has called on the Welsh Government to roll out a policy right across Wales to deal with the problem of seagulls.

Dr Lloyd, who questioned Welsh Assembly Trefnydd and Finance Minister Rebecca Evans AM over the issue, said: "I have received representations from residents in the Mayvals area expressing concern about the problem of aggressive seagulls in the area."

"Residents are concerned that people feeding the gulls means they are encouraged to the area. Residents of Mayvals have recently been fearing for the safety of their children and pets, who have been targeted and even attacked by the birds."

Dr Lloyd called on the Welsh Government to ensure legislation is effectively applied. We currently have a situation where, in Denbighshire, the council are fining people who are caught feeding gulls and therefore encouraging them to come into closer contact with people," he said.

"I have urged the Welsh Government to take action on this and ensure that councils are consistently applying the legislation in this area."

"In the meantime, Swansea Council must take action and listen to residents of Mayvals who have to put up with these persistent attacks."

But Swansea Council underlined they had a campaign to feed the bins and not the seagulls and other birds.

The council was asked to make a further comment, but had not responded at the time of going to press.

AM Ms Evans said the Welsh Government was looking at ways of tackling the issue.

## Residents of Mayvals have recently been fearing for the safety of their children and pets who have been targeted and even attacked by the birds

POLICE are appealing for witnesses after a motorcyclist was seriously hurt in Margam.

The incident happened on Tuesday at around 4.30pm on the A48 close to Margam Park and the roundabout for 138 of the M4.

It involved a black Audi A3 car and a silver Kawasaki motorcycle.

The Welsh Ambulance Service said two rapid response vehicles, an ambulance and an air ambulance were deployed.

Paramedics assessed the male rider at the scene before opting to send him

to Morriston Hospital, Swansea, by road.

The crash happened shortly after a lorry overturned just half a mile up the road. The two incidents were not linked, but the aftermath caused major delays in the area.

A spokeswoman from South Wales Police said: "The rider of the motorcycle has sustained serious injuries."

"We would like to hear from anyone who witnessed the collision or saw the manner in which the vehicles were being driven just prior to the collision, or has dashcam footage of the incident."



A poster on a bin in Swansea.

familiar with the situation in Mayvals.

"I have also had the same representations as you've had."

"The Environment Minister has been here to hear the discussion, and I know she'll look carefully at the different ways in which local authorities are dealing with the issue."

"You've given the example of Denbighshire."

"I know that Conway is also taking a more strict approach."

"The Minister will look at the different approaches at the different approaches that local authorities are taking to address this issue."



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# TEN REASONS NOT TO FEED SEAGULLS



Here is some information about the harm that can be done to both people and gulls by feeding them inappropriately. Please remember though – while some species of gull are prevalent, others are in decline and are more highly protected. It is illegal to harm any wild bird, damage their nests or destroy their eggs. We live by the sea so must expect there to be seagulls, but stopping feeding them will encourage them to remain in their natural habitat and have a natural diet which will make life more pleasant for both people and gulls.

1. **HEALTH.** Gulls are *"the new public health risk"* (the BBC, 2004). The rise in the urban gull population is increasing the risks of e-coli, salmonella and botulism. And *"..gulls could soon be more of a pest in urban Britain than rats"* – a warning given at the 2003 National Conference on problems caused by urban gulls.
2. **NUMBERS.** Gulls can live for 40 years, can breed for 25 years and they and their offspring will return to the same nesting site. In South Wales, the urban gull population is increasing at a staggering 16% annually and is set to increase four-fold over the next decade. Peter Rock (an avian expert involved in international gull research since 1980 and the author of several scientific papers on the subject) warns that once a pair gains a foothold others follow and problems will grow rapidly. **There is already a growing gull colony in Mayals – please don't be mistaken to think that you won't be affected if you are not already.**
3. **NOISE.** Noise is by far the greatest nuisance factor cited by Peter Rock. He advises that gulls' raucous calls typically begin at 4 o'clock in the morning and are impossible to sleep through. When regularly fed they also become tamed and will start to repeatedly call for food during the day too.
4. **MESS.** Mess is the second most unpleasant nuisance cited by Peter Rock. In a 2011 Commons debate, it was recognised that gulls can expel significant quantities of runny faeces on the wing, which makes it difficult for residents to enjoy their gardens. Their washing, windows, cars and property are also continually being fouled. Fouling on roofs can also increase the rate of moss growth, which can be unsightly and block drainage outlets.
5. **DAMAGE.** Damage to property is the third biggest problem cited by Peter Rock. He advises that gulls will destroy insulation, air conditioning, will pull up exposed roofing felt and will even pull away lead flashing. Other damage includes blockages to rain water gutters, down pipes and even gas flues.
6. **PROPERTY PRICE.** Gulls nesting near or on your property could affect the value and/or the saleability of your home and the cost to gull-proof your property can be significant.
7. **ATTACKS.** The Guardian reported in 2013 that *"pensioners have been hospitalised, knocked to the ground, breaking bones. Small dogs have bled to death, children's lips been sliced open, and an elderly man died of a heart attack following a particularly vicious assault in his back garden."* There have been many other reported attacks on adults, children, pets and livestock. Urban gulls also attack and will feed on garden birds; so when gulls move in, the small garden birds are driven out.
8. **FINES.** If someone refuses to stop feeding the gulls to the detriment of the quality of life of other residents, then Local Authorities have the power to issue a Community Protection Notice - Conwy Council exercised this power in 2015 and fined one resident £1,100 after they ignored an anti-social behaviour warning.
9. **HARM TO GULLS THEMSELVES.** Both the RSPB and RSPCA warn that feeding gulls will not only lead to attacks but feeding the birds an un-natural, high calorific, low nutritional diet is detrimental to their health as it can lead to long-term health problems and incurable syndromes such as "Angel Wing".

**Peter Rock advises that the only way to control the number of gulls is to control their food source. So for the sake of the safety, health and well-being of our community, we must not encourage them by feeding them and please make your local Councillors or Ward Councillor aware of any cases.**





## Report of the Cabinet Member for Environment & Infrastructure Management

Natural Environment Scrutiny Performance Panel – 22 October 2019

### Urban Gulls in Mayals

<b>Purpose:</b>	To brief/update the Scrutiny Performance Panel on Council response to concerns raised by residents regarding gulls in Mayals
<b>Content:</b>	A briefing/update on Local Authority Powers and actions available
<b>Councillors are being asked to:</b>	Consider the information provided and to forward views to the Cabinet Member
<b>Lead Councillor:</b>	Councillor Mark Thomas, Cabinet Member for Environment & Infrastructure Management
<b>Lead Officer &amp; Report Author:</b>	Tom Price Tel: 01792 635600 E-mail: tom.price@swansea.gov.uk
<b>Legal Officer:</b>	Debbie Smith
<b>Finance Officer:</b>	Aimee Dyer
<b>Access to Services Officer:</b>	Catherine Window

#### 1.0. Introduction

- 1.1. Complaints have been received from the Mayals Friends and Residents Group, Swansea relating to allegations of anti-social behaviour by individuals due to the feeding of seagulls at their home.
- 1.2. On the 31<sup>st</sup> August 2018, a petition was received by Swansea Council and forwarded to Democratic Services. The petition was responded to by correspondence as it was signed by 22 individuals, which was below the 30 signatures required to register as a petition.
- 1.3. Correspondence continued between the Pollution Control Division and the complainants regarding their concerns. The complainants were advised that all species of gull are protected under the Wildlife and Countryside Act 1981 and so it is illegal to intentionally injure or kill any gull or damage or destroy an active nest or its contents. Confirmation was provided that statutory nuisance provisions within the Environmental Protection Act 1990 (EPA), would not be suitable for use with this type of issue with gulls and so would not be an action that could be considered.

- 1.4. Further advice was given regarding the possibility for the homeowner themselves, whose property was being affected, to investigate 'gull-proofing' measures for their property along with contacting Natural Resources Wales (NRW) regarding the licence requirements to permit the destruction of nest or birds, if there are no non-lethal solutions remaining.
- 1.5. Within the correspondence received there was also reference to issues with rats and so complainants were informed that Swansea Council provides a free service for treatment for rats and that they could contact Pollution Control to arrange a visit if required.
- 1.6. Further correspondence was received from the complainants and via Assembly Members and Local Ward members, which led to an appointment being arranged to visit the occupiers of the property whom the complainants alleged were engaged in anti-social behaviour by feeding birds. This visit took place on the 25<sup>th</sup> January 2019. During the visit, no evidence was gathered to support the existence of a statutory nuisance. Whilst it is not illegal to feed the birds advice was given that, there can be a link between excessive bird feeding and rodent activity. The complainants were informed of the outcome of the visit and that the Council would be unable to take any further action.

### **2.0. Powers Available to Swansea Council**

- 2.1 Part III Environmental Protection Act 1990.  
Section 79 – Statutory Nuisance – Requires person to be the owner/occupier or person responsible for the said nuisance. In the case of noise from seagulls, the premises owner is not the owner of the birds and cannot be held legally responsible for the noise that the birds may create and therefore a statutory nuisance cannot occur.

If the feeding behaviour of the premises owner is deemed to be unreasonable i.e. large quantities left on the ground or flat areas/scattering large quantities of feed on land that is left for long time periods then there is a possibility that, if the person's behaviour is 'unreasonable', a statutory nuisance may exist due to the 'accumulation' at the premises. At this point, an abatement notice may be served.

Injurious to Health – Whilst seagulls are known to carry Salmonella, Campylobacter and E Coli spp there are few documented cases of illness directly attributed to gull excreta and so this action would not be supported.

- 2.2 Prevention of Damage by Pests Act 1949 (PDPA).  
If there is an issue with rats at or associated with the condition of the premises, then the Council has powers under section 4 to enable action to be taken to remedy the situation.



In this case, rats have been mentioned in correspondence and advice has been given regarding the free service that the Council offers to treat for rats. To date the complainants have not requested a treatment.

### 2.3 Informal action

If a complaint is received and information leads to justification for contacting the individual to assess their actions or conditions of their property then the Council could investigate and provide informal advice if there is no evidence to justify further formal action.

### 2.4 Wildlife and Countryside Act 1981

All species of gull are protected under the Wildlife and Countryside Act 1981 and so it is illegal to intentionally injure or kill any gull or damage or destroy an active nest or its contents. NRW has the authority to grant licences for actions for certain species.

A person may kill or injure a wild bird, other than one included on Schedule 1, if they can show, subject to a number of specific conditions, that their action was necessary to preserve public health or air safety, prevent spread of disease, or prevent serious damage to livestock, crops, vegetables, fruit, growing timber, or fisheries. In this instance, evidence has not been gathered to show that there is a 'public health issue. Complaints regarding noise or droppings are not applicable to public health and whilst on private land it would be the landowner's responsibility to apply for a licence from NRW (potentially via a third party) to carry out works at their expense.

### 2.5 Community Protection Notices (CPN) – Can be issued by a local authority if there are reasonable grounds to believe the subject's conduct:

- Is having a detrimental effect on the quality of life of those in the locality, and
- Is unreasonable, and
- The behaviour is of a persistent or continuing nature.

CPNs are permissive powers so not a statutory duty.

### 2.6 Public Space Protection Order (PSPO) – These are not applicable for private properties, for example, alleged feeders. Some English Authorities have used PSPO in seaside locations looking at littering and feeding of birds on promenades.

## 3.0. Related Actions taken by Swansea Council

3.1. The Council has distributed caddy bins for food waste collection at the kerbside. This enables the removal of a previous food source from black bags, which used to be collected weekly but now fortnightly.

3.2. Within the City Centre, enforcement officers have the ability to issue fixed penalty notices (FPN) for littering offences, which also has an effect

of reducing availability of food source. An evidence base exists in the City Centre for this practice that does not exist in the Mayals area.

- 3.3. A review of actions carried out by other local authorities in Wales provided the following responses:
  - 3.3.1 Carmarthenshire County Council – Do not offer any method of control. They provide advice regarding some methods of control such as netting of buildings, use of spikes and control of food sources by not placing food waste in black bags. They also follow a similar approach as Swansea Council in the use of Statutory Nuisance powers.
  - 3.3.2 Wrexham County Borough Council – Carry out an investigation and if evidence supports unreasonable activity, a written warning is sent. If unreasonable activity persists then a Community Protection Notice (CPN) can be served.
  - 3.3.3 Pembrokeshire County Council – Follows a similar approach to Swansea Council in that an investigation into whether or not a statutory nuisance exists is carried out. If a rodent issue then action under PDPA can be taken. If unreasonable activity is taking place then action can be considered via a CPN. They also send bird feeding advisory leaflets to residents if unable to gather evidence to support formal action.
  - 3.3.4 Shared Regulatory Services – The Pest Control section undertakes an egg replacement service at commercial properties but only provides advice for domestic properties. The Private Sector Housing Team sends advisory letters to properties regarding alleged statutory nuisance from the feeding of birds. However, they advise that alleged nuisance from noise and faecal matter are not subject to control under statutory nuisance provisions.
  - 3.3.5 Denbighshire County Council - Much of their focus has been on raising awareness, publicity and trying to reduce food waste in the area i.e. in the town centres. They do receive complaints about residents feeding seagulls. Their approach has been to send an information/informal letter to the resident, providing advice and guidance and asking them to stop feeding the seagulls if they are having a detrimental effect on their neighbours. If the feeding of seagulls by a resident were found to be excessive and have such an impact on someone's lives then the use of CPNs would be considered.

## 4.0. Conclusions

- 4.1. In response to complaints received by Swansea Council from individuals representing Mayals Friends and Residents Group, advice has been provided regarding the actions that the council can carry out.

- 4.2. Correspondence has been received and responded to from Assembly Members and Local Ward Members on behalf of Mayals Friends and Residents Group.
- 4.3. Contact was made with the owners of the property named by the Mayals Friends and Residents Group as engaging in anti-social behaviour by the feeding of birds. The outcome of the visit to the owners of this property was that there was no evidence to support the existence of a statutory nuisance from the feeding of birds and their activity was not considered unreasonable.
- 4.4. The Council has acknowledged and responded to the complaint received and advised that it has no evidence to support the instigation of further action against the owners of the property. Furthermore the Council is satisfied that the concerns raised have been properly investigated and responded to.

## 5.0. Legal Implications

- 5.1. A Summary of powers available to the Council has been outlined within this report.

## 6.0. Financial Implications

- 6.1 No implications with this report as working within existing powers.

### ***Glossary of terms:***

**CPN – Community Protection Notice**

**FPN – Fixed Penalty Notice**

**NRW – Natural Resources Wales**

**PDPA – Prevention of Damage by Pest Act 1949**

**PSPO – Public Space Protection Order**

**Background papers:** *(Either use the word 'none' or list all the Background papers).*

Chartered Institute of Environmental Health. *Guidance on the use of Community Protection Notices* <https://www.cieh.org/media/1238/guidance-on-the-use-of-community-protection-notices.pdf>

Chartered Institute of Environmental Health. *Pest Control Procedures Manual: Urban Gulls* <https://www.urbanpestsbook.com/downloads/>

*Environmental Protection Act 1990*

<http://www.legislation.gov.uk/ukpga/1990/43/contents>

*Prevention of Damage by Pests Act 1949*

<https://www.legislation.gov.uk/ukpga/Geo6/12-13-14/55/contents>

### **Appendices:**

None

### Information from Royal Society for the Protection for Birds

From Katie-Jo Luxton, Director of RSPB Cymru:

We get lots of calls on gull 'nuisance' from the public. We have made our cities perfect habitats for them – lots of nesting ledges and plentiful food; particularly as their natural food sources at sea have declined. It's worth noting that both Lesser Black backed gull and Herring gull are both red listed by the IUCN (International Union for Conservation of Nature) so increasingly our cities are important habitats for these species.

We often talk people through the stages of defensive behaviour gulls go through if they feel their chicks are threatened by people as this can help people understand what is happening. The younger/more vulnerable the chicks the more quickly they will go for stage 4, much like humans defending their children.

Stage of threat warning

1. 'gag call', warning intruders to move away
2. 'low pass', during which gulls swoop at intruders
3. defecate or regurgitate over intruders
4. direct kick attack

Umbrellas are genuinely helpful in reducing the likelihood of actual attack, as it obscures your eyes so the gull can't see what you're looking at. They will also attack the highest point, so that means the umbrella (or any other item held above your head) rather than your head. In a garden, people could try erecting a gazebo or awning for children to play under, which might reduce the aggression from gulls. As the chicks get older the aggression from adults will reduce.

Urban gulls are more 'cheeky' in their approach to humans because they've learned to associate humans with food. This is either from people directly feeding them or through generating waste food which isn't properly disposed of. When people composted all their food waste at home prior to public waste collections starting in the 1940's, gulls didn't nest in towns and there wasn't a 'gull nuisance'; the problem behaviour is linked to the way we manage our food waste now and make it so accessible to gulls by putting it easily opened plastic bags.

I'm not sure about Swansea, but here in Cardiff, the council provides food waste caddies which are lockable. If people can't compost their own waste they should put ALL food waste in these and only put them out on bin day for collection. There should be no food waste in bin/recycling bags. Cleaning recycling before putting it in the bag also reduces the smell in the green bags so they won't be interested in pecking these open.

More here on the legal situation: <https://www.rspb.org.uk/birds-and-wildlife/advice/gardening-for-wildlife/animal-deterrents/gulls/urban-gulls-and-the-law/>

## **Urban Gulls and the Law** (information from RSPB web pages linked above)

Gulls are a traditional part of seaside environments, but there's concern about their increasing presence in urban areas.

### **The situation so far**

Since the 1940s, some herring and lesser black-backed gulls have used rooftops for nesting. It's not known exactly what prompted this move, but abundant inland sources of food and safe, predator-free nesting sites on rooftops were definite factors.

The 1956 Clean Air Act prevented rubbish tip operators burning waste, so gulls took advantage of the huge amount of organic material increasingly generated by our 'throw-away' society and sent to landfill. Many urban streets are also frequently replete with discarded food and accessible rubbish and some people feed gulls.

The birds nesting on roofs of houses are most likely to be herring gulls, whilst lesser black-backed gulls tend to concentrate on the larger expanses of industrial or commercial buildings with flat roofs. Although numbers of roof-nesting gulls, especially lesser black-backed gulls, are still increasing, the overall population of herring gulls is plummeting, making them a red list species. The lesser black-backed gull population has also declined in recent years.

Government licences allow the killing of urban gulls only as a last resort, where a significant risk to public health or safety has been identified. While we understand that roof-nesting gulls can cause problems, we question the appropriateness of lethal control on a declining, red-listed species and highlight the need to comply with European bird protection law.

Furthermore, it is extremely difficult to distinguish between the nests, eggs or downy chicks of herring and lesser black-backed gull - even fledged young look identical to all but an expert eye. This makes species-specific control measures difficult.

### **Tackling the issue**

Some local authorities attempt to control the numbers of urban gulls by egg-oiling or nest destruction. Since urban gull populations are still increasing, these actions do not appear to have the desired effect. As long as there are suitable nest sites and available food, random nest destruction alone is unlikely to work, since the birds will simply re-nest either in the same place or somewhere nearby.

Currently, knowledge on the numbers, and nesting and foraging habitats of urban nesting gulls and their interchange with 'countryside' gulls is low. There is also some evidence that the amount of interchange between 'urban' and 'countryside' gulls varies geographically.

We believe the best approach to understanding urban gull populations starts with comprehensive research to establish these basics, followed by development of effective deterrent methods for use in situations where gulls are causing problems.

These could include rendering nest sites inaccessible, reducing the organic waste taken to landfill sites and, in towns, preventing street littering, and making public waste bins, domestic and business waste containers and collection arrangements 'gull-proof'. Those best placed to do this include landfill companies, local authorities and statutory bodies with a wildlife management remit, but the behaviour of private individuals is also important.

## **Gulls and the law**

All species of gull are protected under the [Wildlife and Countryside Act 1981](#) and the Wildlife (Northern Ireland) Order 1985.

This makes it illegal to intentionally or, in Scotland and Northern Ireland, recklessly injure or kill any gull or damage or destroy an active nest or its contents. In Scotland and Northern Ireland, it is also illegal to prevent birds from accessing their nest and, in Northern Ireland, it is illegal to disturb any nesting bird. In addition, the Mediterranean gull is protected under Schedule 1 of both acts. This makes it illegal to intentionally or recklessly disturb the birds at or close to their nest or to disturb their dependent young.

However, the law recognises that in certain circumstances control measures may be necessary. Simple nuisance or minor damage to property are not legally sanctioned reasons to kill gulls. The UK administrations can issue licences, permitting nests to be destroyed or even birds to be killed if there is no non-lethal solution and if it is done to prevent serious damage to agriculture, the spread of disease, to preserve public health and safety and air safety, or to conserve other wild birds.

These licences can be specific - issued to individuals on a case-by-case basis or general granted annually by the country administrations for use by an 'authorised person' (usually the landowner, occupier or someone authorised by them).

The general licences their terms and conditions and the species to which they apply vary in different parts of the UK - they can be altered or withdrawn at any time. Anyone considering action against any gull must first consult the appropriate country agency for the current licence terms and conditions. See the links on the right. These agencies should also be contacted for information on specific deterrent or control measures - we are not in a position to advise on these.

Actions outside the terms and conditions of a general licence or those which have not been permitted by any other individual licences are criminal offences.

## **Gull breeding habitats and nest sites**

Gulls are semi-colonial nesters and, in some instances, form colonies of thousands of birds, especially kittiwakes.

### **Nest sites for gulls**

Traditional nest sites include sea-cliffs, sand dunes, islands on the coast and inland and other inaccessible locations. Some lesser black-backed and herring gulls have successfully adopted roofs for nesting.

The nest is a well-constructed cup made of twigs and grasses. The clutch of two to four eggs is incubated by both sexes for up to 30 days in May and June. The chicks hatch fully covered in down and are fed by both parents. With the exception of the kittiwake, the chicks leave the nest and move to the relative safety of nearby vegetation when only a few days old. The parents look after them until they fledge after five or six weeks and for a period afterwards.

Gulls are long-lived birds - the larger species only start to breed when four years old and some can live to their upper twenties.

### **Why are some gulls nesting in urban areas?**

- Gulls are found mainly on the coast in summer, although black-headed gulls also nest inland. Large numbers of some gull species move inland in winter, roosting on lakes and reservoirs and feeding on farm fields and refuse tips.
- Kittiwakes feed on small surface-shoaling fish and crustaceans caught offshore, and will also scavenge at fishing vessels. They do not forage inland. Large gulls (herring, lesser black-backed and great black-backed) feed on almost anything of suitable size.
- Herring gulls generally forage within 10km of their nests while lesser black-backed gulls will travel much further to feed. They hunt fish and other sea creatures, but also take carrion, rubbish, litter and waste food, as well as eggs and chicks of other seabirds. They are natural scavengers and take advantage of organic waste at landfill sites and in towns.
- All gulls, except kittiwakes, will feed on ploughed fields. Herring and black-headed gulls in particular can be found 'charming worms' on pastures, playing fields and other grassy areas.

### **Conservation status**

The kittiwake, with more than a third of a million pairs is the most numerous of all the UK gull species. Herring, lesser black-backed and black-headed gulls each have in excess of 100,000 breeding pairs, while the others have significantly smaller populations.

All seven breeding gull species are birds of conservation concern. The herring gull is now red listed due to the severe declines in its national breeding population. The other species are amber listed for differing reasons. The Mediterranean gull is the only species whose numbers are currently not declining.

## **Why are gulls declining?**

Kittiwake numbers are declining primarily because of shortage of their preferred prey of sandeels. It is thought that this is being driven by climate change.

The cause of the declines in other species is not yet known, but could be the result of changes in their maritime environment, including pollution or changes in commercial fishing practices. Research is urgently needed to establish the causes of these declines so that measures to reverse them can be set out.