

Briefing statement on urban gulls for Bath and North East Somerset Council

RSPB

The RSPB is a charity working to conserve wild birds and their habitats. We focus on species of conservation concern where our aim is to recover declining populations. The RSPB has no remit to deal with animal welfare or wildlife management issues.

<http://www.rspb.org.uk/about/>

Gulls

Of the gull species in the UK, several may be encountered in suburban and urban situations. Of these, herring gull and lesser black-backed gull are the species usually recorded breeding and feeding in some urban situations (where herring gull is the species that usually nests on house roofs while lesser black-backed gull is more usually found breeding in colonies on larger roofs such as warehouses). The legal and conservation status sections below therefore focus on these two species.

<http://www.rspb.org.uk/wildlife/birdguide/families/gulls.aspx>

Urban/roof nesting gull issues

Gulls have always been a feature of coastal towns and villages – they are a natural part of our country's wildlife. Since the 1940s some species have favoured roofs as nest sites and populations of herring and lesser black-backed gulls have increased in urban areas, in contrast to overall national declines in these species (see 'Conservation status' below). Roofs provide safe, predator-free nest sites for gulls while many built-up areas provide much food (eg, accessible edible rubbish and litter in town centres).

<http://www.rspb.org.uk/advice/gardening/unwantedvisitors/gulls/urbangulls.aspx>

The RSPB recognises that the presence of gulls in some urban areas may result in some conflicts with people, eg, some adult birds 'dive-bombing' people or pets when they feel their young are threatened or gulls breaking open plastic rubbish bags in a search for food. We believe that gull problems in an urban environment are best tackled by reducing the availability of food and nest sites because, if the features that attract gulls remain, any 'vacancies' created by controlling existing gulls will simply be filled by other gulls moving in. The RSPB believes – and the law requires – that lethal control should be a last resort used only where it is legal, where there is a proven problem, where non-lethal alternatives have been tried and found not to be effective, and where legal, lethal control will not adversely affect the conservation status of the species.

The RSPB recommends action by local authorities and individuals to reduce the volume of food available to gulls in urban areas, including reducing the amount of food waste sent to landfill, not putting rubbish out until the day of collection, putting rubbish out in gull-proof containers, reducing the amount of 'edible litter' on streets, particularly arising from fast food outlets, providing 'gull-proof' public litter bins and enacting by-laws if necessary to prevent people from deliberately feeding gulls in public spaces such as parks and harbours.

Problems of gulls dive-bombing people or pets are restricted to the nesting season which lasts from early May to end of July, and usually occur when unfledged chicks have fallen from their nest to the ground (usually in July). In most cases, the gulls do not come into physical contact with people. With regard to reducing the availability of nest sites – i.e. roofs – for gulls, physical barriers will be necessary. This requires action before the breeding season and may need consent from the local authority and fire brigade. The RSPB is not able to advise on specific measures. It is important that any deterrents do not trap or injure birds as that would be illegal. Legal destruction of eggs and nests is unlikely to be effective unless physical measures are used immediately to prevent the adults re-nesting.

Conservation status

Some species of gull are of conservation concern, having declined by more than 50%. Herring gulls are red listed as a species of high conservation concern because of recorded severe declines in their UK breeding and non-breeding populations over the past 25 years. Lesser black-backed gulls are amber listed as a species of medium conservation concern

because breeding birds are localised in the UK and the UK supports internationally important numbers of this species.

Gull numbers in the UK are most comprehensively monitored during national seabird surveys. The most recent was Seabird 2000 (1998-2002) which included counts of some inland breeding gulls. This survey is due to be repeated in 2015-17 when greater coverage of inland breeding gulls is proposed.

<http://jncc.defra.gov.uk/seabird2000>

The RSPB recognises the need for a better understanding of urban gull populations but we are not in a position to undertake surveys of gulls outside of the national monitoring process. We are carrying out research to establish the reasons for the national declines in herring gulls and regional declines in lesser black-backed gulls.

Legal status

All wild birds are protected by law (the Wildlife and Countryside Act 1981, as amended). It is illegal, with certain exceptions for some species, to kill, injure or take a wild bird, or to destroy its nest (whilst in use or being built), eggs or chicks. Different exceptions apply to different species in specific circumstances if certain conditions are met. In some situations, provided there is a valid justification, an individual licence may be issued to permit an otherwise illegal action against a wild bird.

Please note that the following does not constitute legal advice. The RSPB has concerns over the usage of general licences with regard to species of conservation concern in relation to the UK's obligations under European law to conserve wild bird populations. For example, we are concerned about the appropriateness of a general licence for species of conservation concern because of the lack of any statutory requirement for recording and reporting its use.

General licences permit 'authorised persons' to take legal, lethal action against some species in specific circumstances (for other species, an individual licence must be sought). General licences are issued annually, and so the terms and conditions are subject to change. 'Authorised persons' are usually the landowner, occupier or someone authorised by them. While an individual acting under instructions from the local authority is an authorised person, this does not confer right of entry onto private property.

General licences currently include those that permit the destruction of the nests and eggs of herring gull and lesser black-backed gull (and the chicks and adults of lesser black-backed gull) to preserve public health or public safety. Only humane methods can be used. Poisoning is illegal.

It is essential for anyone intending to take action against gulls under the terms of a relevant general licence to be sure of the identification of the species involved, to understand the terms and conditions of the appropriate general licence and, crucially, to be sure that their actions comply with the law, including being satisfied that non-lethal methods of resolving the problem are ineffective or impractical and that they are an 'authorised person'. The current and relevant general licence must be consulted before taking action to ensure that the action is legal.

<http://www.rspb.org.uk/advice/gardening/unwantedvisitors/gulls/thelaw.aspx>

<http://www.rspb.org.uk/ourwork/policy/wildbirdslaw/index.aspx>

It is illegal to remove gull nests and eggs or to kill chicks and adult birds because they are disliked, considered noisy or thought to be causing damage to property.

The RSPB cannot authorise individuals to kill gulls or destroy nests or eggs. All enquiries on legal, lethal control and licences should be addressed to Natural England, the statutory agency that advises on wildlife management issues.

<http://www.naturalengland.org.uk/ourwork/regulation/wildlife/contactus/default.aspx>

<http://www.naturalengland.org.uk/ourwork/regulation/wildlife/species/birdswithoutprotection.aspx>