REVIEW OF LOCAL GULL POPULATIONS AND PUBLIC NUISANCE FINAL REPORT

SCR/15/02

WARDS AFFECTED: All

REASON REPORT REQUESTED: This report has been prepared in response to growing public concerns which reached a peak last summer about the increasing nuisance caused by two species of gull in the Borough: kittiwakes and herring gulls. This scrutiny committee considered a presentation about the principal issues by the Director of Service Delivery and Democratic Services Manager at its meeting on 22 September 2014, and as a consequence, agreed to commission a review to investigate the matter further. This report is the result of that investigation.

PURPOSE OF REPORT: To present the Environment and Economy Scrutiny Committee with the findings and recommendations of this review.

STATUS OF REPORT: This report is the work of the Member Task Group, on behalf of the Environment and Economy Scrutiny Committee, and where opinions are expressed it should be pointed out that they are not necessarily those of Scarborough Borough Council. While we have sought to draw on this review to make recommendations and suggestions that are helpful to the Council and its partners, our work has been designed solely for the purpose of discharging our terms of reference. Accordingly, our work cannot be relied upon to identify every area of strength, weakness or opportunity for improvement.

ACKNOWLEDGEMENTS: The Task Group wishes to extend its thanks to all those who contributed their views, experiences and expertise to this review. We trust our report demonstrates how much our understanding of the issues has improved as a consequence of these contributions.
1. **INTRODUCTION**

1.1 The Task Group responsible for this review comprises Cllrs Godfrey Allanson (Chair), David Billing, Alf Abbott, David Jeffels, and Andrew Jenkinson with officer support from St John Harris, Democratic Services Manager, Steve Reynolds, Environment, Regulation and Resilience Manager, and Paul Thompson, Operations, Transport and Countryside Manager. Together we agreed the following scope for our work:

**Objective of the review**
To identify some practical, effective, affordable and sustainable measures to reduce the nuisance caused by herring gulls and kittiwakes in the Borough

**Questions to be addressed**
(i) Can the Borough Council do more to reduce the public nuisance caused by herring gulls and kittiwakes in the Borough? If so, what?

(ii) Can local businesses, food and non-food establishments, residents, tourists, property owners and commercial developers do more to reduce the public nuisance caused by herring gulls and kittiwakes in the Borough? If so, what?

**Constraints**
(i) Legal position on gull control – lethal control can only be used where there is a proven risk to public health and safety and it will not adversely affect the conservation status of the species

(ii) Financial constraints – importance of cost-effective interventions

(iii) The Borough Council cannot alleviate this problem on its own – importance of working together with different stakeholders

2. **BACKGROUND**

2.1 Urban nesting gulls can cause a variety of problems including: excessive noise and sleep deprivation; fouling by droppings and regurgitated food; litter and mess from scavenging; attacks by parent birds; damage to property; blockage of gas flues; and mugging/stealing food.

2.2 The two main species which give rise to complaints are the herring gull and kittiwake; however, their habits and breeding places are very different. Herring gulls nest on roof tops in various places in the Borough, including the three main coastal resort towns. Herring gulls are present in the towns all year round. Kittiwakes nest on window and building ledges but confined to specific locations in Scarborough, the only urban nesting sites in Yorkshire, and are present solely for the summer nesting season. Kittiwakes are not interested in human food and rubbish, but feed out at sea. Both generate complaints about noise and mess.
2.3 Town nesting kittiwakes are a recent phenomenon, whereas herring gulls started nesting on roofs in Whitby in 1942 and in Scarborough in 1967. Narcotic bait was used by the Council to control the population of roof nesting herring gulls from 1978 to 1990 when control by nest and egg clearance was introduced. The population reduced and then stabilised in the 1980s, and has continued to rise significantly since the end of culling in 1990. Pro-active non-lethal control methods were withdrawn in the early 2000s, having seemingly failed to prevent the continuing expansion of roof nesting herring gulls.

2.4 The Borough Council’s current policy is to provide advice and guidance on proofing and where to obtain proofing materials. Both species are of conservation concern – herring gulls on the red list and kittiwakes on the amber list – and both are protected under the Wildlife and Countryside Act 1981. Natural England has however issued a General Licence in relation to herring gulls which permits the use of lethal control methods, but only if there is a proven risk to public health and safety, and provided it will not adversely affect the conservation status of the species. There are no General Licence provisions in respect of kittiwakes.

2.5 Among the recommendations in a report on nesting kittiwakes commissioned by the Council in July 2014, is the use of more effective and humane methods to deter nesting, and better education and public outreach work to help manage a rare urban nesting colony that is of conservation importance. More generally, education and the proofing of buildings seem the only real options for the control of gulls nesting on buildings; but there are ways we can investigate to limit herring gulls’ access to food waste and to deter feeding.

The best approach is a partnership one which involves businesses, residents, visitors and conservation organisations.

3. METHODOLOGY

3.1 The five principal sources of evidence for this review have been
(i) a report by ornithologist, Mark Pearson, on street-nesting seabirds (virtually all kittiwakes in Scarborough) in Scarborough, Whitby and Filey during the 2014 breeding season (July 2014)
(ii) a briefing by ornithologist and kittiwake expert, Dr John Coulson on herring gulls and kittiwakes, ‘A pest can be a rose growing in a cabbage patch’ (February 2015)
(iii) a written submission by the RSPB to our review
(iv) evidence from two public scrutiny enquiry days in Whitby Pavilion on 29 January 2015 and in the Town Hall, Scarborough on 10 February 2015. Details of the programmes for both enquiry days can be found on the Council’s website:
Whitby
Scarborough
(v) a public consultation on the Council’s website which ran from 19 January – 17 February 2015

4. FINDINGS AND ASSESSMENT

General

4.1 The gulls issue is of great public interest and the website consultation response of over 500 people is one of the highest the Council has ever attracted. A summary and analysis of the public’s response is appended to this report.

4.2 The majority view (66.6%) is that herring gulls are a problem in the respondent’s local area, whereas this is a minority view for kittiwakes (26.7%), reflecting perhaps that the kittiwake nesting population is confined to specific areas of Scarborough.

4.3 The issue divides public opinion. There are those concerned about the health hazard (see paragraph 4.16 below) and call for a cull (which is illegal) and there are those who maintain that people should take responsibility for their actions and reducing the nuisance is principally about changing human behaviour. Gulls are after all an integral part of the seaside.

4.4 Food waste and how to manage and secure it more effectively, including stopping people feeding gulls, features very strongly in the consultation feedback. Again this is about people and local businesses taking responsibility for their actions. Similar responsibility is called for in maintaining properties, and implementing appropriate proofing and deterrents with the support and advice of the Council and other bodies.

Kittiwakes

4.5 The kittiwake is a medium-sized, elegant and gentle-looking gull which nests in a natural habitat in colonies on coastal cliffs which have narrow ledges onto which nests are built. There are over 20 colonies along the east coast of England including Whitby, Scarborough Castle Headland, Filey Brigg, Bempton and Flamborough. On Castle Headland nesting started in 1940. Numbers increased to 360 pairs by 1959 and in recent years have exceeded 1,500 pairs. Although the population has remained stable or even increased in north east England, in other areas of Britain numbers have declined appreciably. This decline is reflected in their Amber list classification under the Birds of Conservation Concern review (2009).

4.6 Kittiwakes moving to nest in a man-made, urban environment (on window ledges and the like) is a relatively recent phenomenon. In Scarborough this
occurred in 1994 with about 30 pairs doing so. Numbers have since spread to other sites in Scarborough, but still localised. The kittiwake is the UK’s most sea-loving gull, spending the period September to February well out in the Atlantic Ocean and some individuals are known to venture as far as Greenland and Canada. It eats fish, shrimps and worms, and does not scavenge human generated food and waste. From March to August kittiwakes return to UK’s cliffs (and other urban environments) to nest and breed, and this is when conflicts have arisen between these seabirds and local residents, businesses and visitors – principally in respect of noise (their distinctive ‘kittiwake’ cry) and droppings underneath their nesting sites on pavements.

4.7 There is concern, as evidenced by comments by some hotel guests on Trip Advisor that kittiwakes’ noise and guano is damaging the image of Scarborough and deterring visitors from returning on holiday. Brights Jewellers on St Nicholas Street have recorded an increase in customer complaints in the 2014 summer season because of the smell of the droppings and noise. The extreme slipperiness of the pavements is another hazard for passers-by. The Council’s Investment Manager, Nick Taylor, has asked for some control of these birds, perhaps by the creation of an alternative man-made nesting site away from the St Nicholas Cliff area for the benefit of both the town and the kittiwakes.

4.8 Local naturalist, Robin Hopper describes a process of displacement of nesting kittiwakes to other sites as one site is proofed. This happened with the Pier Café and the Town Hall after kittiwakes were prevented from nesting on both buildings. Cllr Janet Jefferson, ward councillor for Castle ward and President of the local Chamber of Trade, reports a similar process of displacement from the Old Town as buildings became upgraded and residents became more vigilant and took greater care of their buildings. A notable example is the successful renovation and proofing of the Sea Cadets building on Sandside. This confirms her view that it is incumbent on the property owners to proof their buildings outside of the nesting season to prevent the kittiwakes nesting in future in those locations. Further, John Dickson, Managing Director of NBC Pest Solutions recommends a managed displacement programme in consultation with Natural England to encourage the kittiwakes to return to their natural nesting site on the Castle Headland.

4.9 In July 2014, the Council commissioned local ornithologist, Mark Pearson to carry out a survey of street-nesting seabirds in Scarborough, Whitby and Filey during the 2014 breeding season, which principally concerns the kittiwake population in Scarborough, since herring gulls do not nest on building /window ledges (on streets), and Filey and Whitby do not have any issues with kittiwakes. In his summary, Pearson concludes that: ‘While in some cases
such [nuisance] issues may relate to breeding Kittiwakes, perceived conflicts are evidently compounded by misconceptions regarding the breeding and behavioural ecology of this species, and by misidentification and subsequent confusion with Herring Gulls.’ He continues: ‘The survey also highlighted ongoing problems caused by the existing measures employed to prevent birds nesting on buildings in Scarborough. In many cases these measures were found to be ineffective and often hazardous to protected species, with mortality and injury resulting from these measures (and their poor maintenance) raising important issues regarding legal obligations and good practice.’ Mr Pearson advises against using spikes to deter kittiwakes, since they have little or no effect in preventing the birds nesting, can and do injure young birds, and do in some cases aid the construction of nests. His survey also revealed various locations in the town where poorly erected and maintained netting did not deter nesting but had a similar effect to spikes, in some cases leading to death and injury because of kittiwakes becoming trapped. Mr Pearson recommends the use of ‘fire gel’ as ‘currently the safest, most humane, and easiest to maintain’ of deterrents, although as John Dickson, Managing Director of NBC Pest Solutions points out, it does require regular renewal.

4.10 The favoured proofing method of Dr John Coulson in respect of kittiwakes is a fine mesh netting of no more than 2.5cm gaps which should be kept taut on four sides to prevent their wings becoming entangled in the mesh. Installation should be carried out after August and before mid-February. Mr Pearson emphasises the rarity of kittiwake urban nesting sites and that public misconceptions about the bird can be countered by interpretation and public outreach programmes which serve to educate the public and instead celebrate the bird’s scarcity in an urban environment. Dr Coulson is an adviser to the Tyne Kittiwake Partnership which has succeeded in fostering a sense of collective pride and protection towards the urban colonies on the River Tyne. However, there are crucial differences between the Tyne and Scarborough: the truly exceptional nature of the Tyne colonies since they are some 11 miles from the sea, and that the Tyne colonies have no natural nesting habitat nearby. Neither attribute applies to the Scarborough colonies, which is not to underestimate the importance of public education and outreach work to help correct what we believe to be widespread popular confusion between the kittiwake and other gulls. In his submission to this review, Dr Coulson shares some interesting observations about kittiwakes which were prevented from continuing nesting on a building at North Shields as part of a scientific study. The birds frequently tried and failed to land on the ledges, and stood at sites nearby for several weeks. The majority missed breeding for a year, but virtually all of the kittiwakes then moved to a sea cliff site at Tynemouth about two miles away to join an existing colony. However all the birds ignored ledges erected for them on the lifeboat station about a mile
away. He also cites the example of a tower built with ledges on the Tyne to receive kittiwakes driven off the Baltic Flour Mill (now an Arts Centre). The tower managed to attract about 25% of the flour mill’s kittiwakes – others moved to nearby buildings and caused further complaints including those nesting on Grade I listed buildings. It this uncertainty around displacing kittiwakes to an artificial nesting site (and the high cost of building such a structure), and the proximity of a sizeable natural nesting colony on the Castle Headland, which leads Dr Coulson to recommend that the Council uses netting of buildings to help encourage kittiwakes to return to the Castle Headland. This recommendation is based on the educated assumption that there is sufficient capacity on the Castle Cliffs to accommodate these returning kittiwakes which would need to be verified with the RSPB. However, he sounds a note of caution that: ‘To leave some nesting on buildings in an area would be unproductive in the long term as these would simply attract new pairs (as has happened in the past). Presumably, owners have to give permission to net ledges on their properties. Failure by some to do so would greatly threaten the outcome of this management.’

4.11 The question for the Task Group is therefore whether the Council should embark on this plan to displace the town’s kittiwakes to the Castle Headland by a combination of fine mesh netting (as recommended by Dr Coulson) and fire gel (as recommended by Mr Pearson) proofing measures. We believe the plan is feasible but requires the support and advice of Natural England, the RSPB and wildlife management experts, and critically the cooperation of all the affected property owners. Once the proofing measures are in place, they then need to be carefully maintained and renewed as appropriate. It is too late to implement this proofing plan before the summer, but we are of the view this coordinated displacement strategy should be explored by the Council with these other bodies and property owners ready for implementation after the kittiwakes have left their nests in August.

**Herring gulls**

4.12 The herring gull is widely distributed around the coasts of the British Isles, preferring to nest on rocky coastlines. It is a large, long-lived bird, with a wingspan of 1.2m or more when fully grown and weighing 1.2kg. The herring gull is an accomplished opportunist. While primarily a coastal species, it takes advantage of the feeding and nesting opportunities offered by man.

4.13 Herring gulls pose more of a nuisance than kittiwakes because allied to the issues of noise and droppings, is the herring gulls’ propensity for human food, both to scavenge and to ‘mug’ people to obtain it. Herring gulls can also exhibit aggressive behaviour when protecting their young, which can lead to unpleasant encounters, for example, when a fledgling falls out of the nest on
the property’s roof and lands in the garden, as described by a member of the public at the Whitby enquiry day. Gulls have always been a feature of coastal towns and villages, but since the 1940s, herring gulls and other species have favoured roofs as nest sites and populations of herring gulls have increased in urban areas. This is in contrast to a severe decline in their natural cliff habitat, which has put herring gulls on the red list as a species of high conservation concern – numbers of their UK breeding and non-breeding populations have dropped by more than half over the past 25 years.

4.14 There seems to be a consensus that in recent years herring gulls are getting bolder and more brazen in their attempts to snatch human food. The scenarios presented on the BBC TV programme ‘Nature’s Boldest Thieves’ (first broadcast on 19 January 2015) in St Ives, Cornwall, are also happening in Whitby and Scarborough. Gulls watch people with their chip boxes from a good vantage point, ready to swoop and take the food at an opportune moment. This has prompted fears that somebody is going to get hurt sooner or later, especially a child, in trying to evade the gull’s attempt to steal their food; for example, by running into traffic. One witness described a man falling of his bike as a result of a gull ‘mugging’ – he was fortunate not to fall into the road. Research on the ‘Nature’s Boldest Thieves’ programme revealed that of 30 recorded muggings in St Ives, 50% were carried out by one gull. It seems then that only a small minority of gulls are the problem. John Dickson, Managing Director of NBC Pest Solutions, suggested that Conditioned Taste Aversion techniques, pioneered with ravens in the USA, may be a method to turn gulls off fish and chips.

4.15 Another problem highlighted is that of people deliberately feeding gulls, for example, dropping a half-eaten box of fish and chips on the pavement and watching the feeding frenzy which ensues; or in Tin Ghaut car park in Whitby, people putting the half-eaten take-away on the roof of their parked car with similar consequences. There is a more general issue of the abundance of human food and food waste in the high season in our seaside resorts, and how to limit herring gulls’ opportunities to access it. Most visitors appreciate gulls and see them as synonymous with the seaside; it is when these interactions with gulls become ‘up close and personal’ that people get frightened and problems arise. James Corrigan of South Bay Traders Association suggests more litter bins with a narrow aperture strategically placed near cafes and fast food outlets where people sit to eat their take-away, and more education and signage. A related problem is domestic and commercial waste left outside properties overnight for collection in plastic sacks which gulls rip open. A video about Weymouth Borough Council’s use of gull-proof refuse sacks to tackle this problem was shown on the public enquiry day at the Town Hall. The Borough Council is currently trialling these gull-proof outer refuse sacks in Whitby. The apparent success of the
Weymouth scheme leads us to the conclusion that the use of these sacks should be rolled out to other affected areas in the Borough, subject to the results of the trial in Whitby. There will be cost implications, but in respect of commercial waste, the Council can seek a financial contribution from affected businesses. Cllr Jefferson, Castle ward councillor and President of the Board of Trade, also suggests that the Council liaises with landlords to ensure they provide adequate refuse storage and/or advice to tenants and holidaymakers to reduce this problem.

4.16 Several of our witnesses highlighted the corrosive aspect of herring gull guano, the damage it does to cars and property, and the hazard it poses to human health. Dr John Coulson has carried out a monitoring study with the local public health laboratory at Hull to establish the extent to which herring gulls in Scarborough were carrying pathogens. He writes: ‘Many cases of *Salmonella* carried by gulls were identified, but the extent to which these organisms which can cause food poisoning in humans were transferred to humans was not established.’ Further, people tend to take remedial action very quickly if they are hit by gull droppings. Nick Taylor, the Council’s Investment Manager, member of Scarborough Yacht Club and Deputy Launch Authority for Scarborough Lifeboat reported the problems on the pontoons in Scarborough Harbour with herring gull droppings, which are not only unpleasant, but which become extremely slippery after rain. The guano now constitutes a potential hazard for the crew of the lifeboat which is now moored to the pontoons while the new lifeboat house is under construction. Constant washing of the pontoons is required to try to manage the problem.

4.17 There is an evidenced need to erect new and more visible signage in more locations. Currently, signs are often ignored or people do not see them. One sign in Whitby has been painted over. Several witnesses reported that when they asked a visitor to desist from feeding the gulls, the visitor responded with verbal abuse. We feel it is important both to raise public awareness and then to maintain that awareness. We recommend a high impact schools poster competition backed up by new easy to read signs with both images and explanation in appropriate locations. The public has sent us some good examples of very graphic signs from Penwith in Cornwall and Plymouth in Devon. We recommend liaison with local fish and chip businesses to consider putting a notice not to feed the gulls inside the lid of the box. Subject to the implementation of these measures – an educational programme, schools poster competition, new signage, the cooperation of fish and chip shop owners in providing their own signs and notices, and gull proof litter bins and sacks - we would then wish to keep the issue of gull muggings under review by encouraging ‘victims’ to report incidents to the Council. By developing a better understanding of the problem and how far the recommended measures to reduce human/gull interactions around food have worked, we can then look
at other approaches such as Conditioned Taste Aversion suggested by Mr Dickson.

4.18 Despite advice from DEFRA’s Chief Scientific Adviser (2013) that ‘Gulls should not be fed either intentionally or unintentionally and local authorities are able to take steps to prevent this through the introduction of by-laws if they wish’, we have found only two cases where people were issued with fixed penalty notices for feeding birds, and both were appealed. The Borough Council has prosecuted businesses for not securing their waste properly under the Environmental Protection Act 1990, and has prosecuted people for littering, but not for feeding gulls. It is difficult to see how the Council could prosecute people for feeding gulls under littering legislation, since the person’s intention is not to leave the waste but for the gull to take and consume it. Bylaws we believe would be a very heavy-handed and cumbersome way to deal with this issue, being both very expensive and problematic to enforce. In common with other local authorities, we advise against their use in this way.

4.19 Urban gulls are protected under the Wildlife and Countryside Act 1981 (as amended) and lethal control can only be used where there is a proven risk to public health and safety and it will not adversely affect the conservation status of the species. Nuisance and minor damage to property is not considered to be a reasonable justification for culling gulls. Dr Coulson reports: ‘A number of Councils have introduced egg removal at about 3 weekly intervals to prevent the young hatching. This reduces the noise and threats from parent gulls, but I have found no evidence that it has either short or long term effects in reducing gull numbers. There is a mistaken idea that the prevention of eggs hatching will affect gull numbers in the future by reducing those which, when mature (4 years old) will return and recruit to nest in their natal town. This error is based on the incorrect assumption that young gulls return to the place of their birth. Only a minority do so, and most gulls nesting in towns have been reared elsewhere (up to 200 miles away) and so from the many places where no control is taking place. So to prevent eggs hatching in a town is a classic case of taking a bucket of water from the ocean! The impact on the ocean is minimal. Any benefit obtained from egg removal is through the depressive effect of this on the pairs and particularly the female. If the females are made to relay more frequently than once every 3 weeks, then stress on her is increased and the pair are much more likely to move away. Preliminary work by Dumfries Council suggests that removal of eggs at weekly intervals is a much more effective method in stressing the female because she has to produce and lay more eggs and the male is prevented from carry out much incubation. Their work was much assisted by the use of a cherry-picker to reach nests. Preliminary results of this intensive, but non-lethal technique suggest that this can result in areas of towns being cleared
and cause many of the treated gulls move out of the town. More data from their work and the extent to which it has been successful should be available after assessment during the coming breeding season.’

4.20 Similar labour-intensive egg removal programmes were described by John Dickson, which when used with a package of other measures would stop the birds from breeding, but would not impact on the adult number of birds. The desired outcome was rather to disperse the gulls from the area when they do not nest successfully. In terms of other deterrent methods, egg replacement is costly but does not eliminate nesting problems, and hawking is very difficult in an urban area but will temporarily disrupt the gulls. It has been suggested in some quarters that the Edinburgh Castle one o’ clock gun could be emulated to help disperse gulls, but Mr Dickson was quick to point out that the Scottish capital still has plenty of issues with gulls, indeed Edinburgh is NBC’s busiest office. Mr Dickson does not believe lethal control – even if a licence could be obtained which is unlikely – would help alleviate the problem in Scarborough. Culling merely creates a void which is subsequently filled. He advocates instead the implementation of a properly monitored programme consisting of a variety of approaches supported by a risk assessment within an agreed strategy. Dr Coulson agrees ‘that methods can be developed to drive nesting gulls out of towns, but it will be expensive and labour intensive and, may take 10 years to achieve in a town with the numbers of gulls found in Scarborough. A long-term policy and investment is required and I strongly recommend that an independent assessment of any action taken should be made each year to confirm the benefit or show otherwise of any action.’ One of the constraints on this review is financial. There is no doubt that to develop such a long term programme would be very expensive, dependent on many factors outside the Council’s control, and with no guarantee of success. Another key issue is that of public reaction. Trying to resolve the problem at this macro-level would almost certainly divide the local community. Ambitious gull displacement or reduction programmes are not the answer, and can only be countenanced in the case of kittiwakes (displacement) because the population is relatively localised and it seems that there is a good chance of success, subject to further consultation with Natural England and the RSPB.

4.21 The way forward we believe is to concentrate, as other local authorities have done, on reducing the number of interactions with gulls around food waste, while at the same time giving advice to those property owners who wish to take action to proof their buildings against nesting gulls. This approach is in accordance with Government advice – ‘effective long term management requires the elimination or reduction of readily accessible food and roosting/nesting sites’ (DEFRA Chief Scientific Adviser) – and the RSPB: ‘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.’ Property owners may also apply themselves to Natural England for a General Licence to remove herring gulls’ (but not kittiwakes’) eggs from the nest on their roof, if it can be established that the gulls are posing a threat to public health or public safety. As we have intimated, egg removal is not a cheap method, and will have to be repeated throughout the nesting season to have any chance of a deterrent effect, but is still an option for property owners to consider, subject to meeting the requirements of the General Licence. The Council’s advice on the website should be updated to cover these options for the property owner, including the most effective proofing methods identified by this review.

4.22 Finally, in respect of proofing of buildings, witnesses at both the Scarborough and Whitby enquiry days suggested the use of the planning system to ‘design out’ nesting opportunities in new buildings. This accords with the DEFRA Chief Scientific Adviser’s recommendation to ensure that ‘the planning system is informed about the structural designs of buildings that are less likely to provide appropriate habitats for gulls’ and is worthy of further investigation.

5 RECOMMENDATIONS

5.1 The committee is asked to support the following recommendations to the Cabinet:

General

(i) That officers produce educational material for the Council’s website and for use in schools by the Environmental Services Education Officer to explain the differences in appearance, feeding habits and behavioural ecology between kittiwakes and herring gulls, together with advice on appropriate proofing measures for both species, advice on property owners’ ability to apply for a General Licence to Natural England to permit egg removal from the nest (for herring gulls not kittiwakes), and the importance of reducing herring gulls’ human food supply;

Kittiwakes

(ii) That officers explore the feasibility of a coordinated displacement programme of Scarborough’s urban nesting kittiwakes back to the Castle Headland with Natural England, the RSPB, wildlife management experts and affected property owners, ready for implementation of fine mesh netting and fire gel proofing measures after the end of the kittiwake nesting season in August 2015. In the meantime, that officers continue to advise property owners on the most effective way to proof buildings against
kittiwakes outside the nesting season, namely taut fine mesh netting and fire gel as appropriate;

**Herring gulls**

(iii) That officers launch an education and awareness programme through the Environmental Services Education Officer in schools and on the Council’s website, including a schools poster competition, warning people against feeding herring gulls;

(iv) That in consultation with the South Bay Traders Association and other local seaside businesses in Whitby and Filey, officers identify locations for a new easy to read and highly visible sign to prohibit the feeding of gulls and also place a notice on the Council’s refuse collection vehicles;

(v) That officers approach local fish and chip shop owners in Scarborough, Whitby and Filey to recommend the use of a notice prohibiting the feeding of gulls inside chip boxes and on the shops’ premises;

(vi) That subject to the results of the trial in Whitby, officers roll out the use of gull-proof outer refuse sacks in appropriate locations in the Borough, seeking financial contributions from local businesses as appropriate;

(vii) That officers explore the feasibility and cost of retro-fitting litter bins to make them gull-proof in appropriate seafront locations and report back to scrutiny and the Cabinet with proposals;

(viii) That the Council encourage people to report incidents of gull muggings so that the effectiveness of the above measures can be reviewed, and any further action be taken as necessary (including investigating Conditioned Taste Aversion methods); and

(ix) That officers explore the further avenue of investigation recommended by the DEFRA Chief Scientific Adviser and report back to scrutiny with progress, namely using the planning system to inhibit gulls nesting through structural design on new build.

**6 IMPLICATIONS**

**Policy**

6.1 No implications.
Legal

6.2 The relevant legislation in respect of the protection of gulls and littering is referred to in the body of the report.

Financial Implications

6.3 To implement the recommendations in the report will have resource implications. Members recognise that in the current economic climate the employment of new staff to implement the report’s recommendations is simply not practical. The work will then have to be undertaken by existing staff which will mean a somewhat slower roll out of the programme than would otherwise be desirable. In relation to capital costs of sacks, bins and signs, we suggest that a bid be made against any Borough Council year end underspend with an amount of £15k being considered appropriate.

Environmental and Health and Safety implications

6.4 The report’s recommendations aim to address both environmental and health and safety concerns in respect of gulls raised in the course of our investigation.

Sustainability Impact Appraisal, Equalities and Diversity, Staffing Implications, Planning Implications, Crime and Disorder Implications

6.5 I have considered whether any of the above implications arise from this report and am satisfied that there is no identified implication that will arise from these recommendations.

Councillor Godfrey Allanson
Chair of the Scrutiny Task Group

Background papers:
- a report by ornithologist, Mark Pearson, on street-nesting seabirds (virtually all kittiwakes in Scarborough) in Scarborough, Whitby and Filey during the 2014 breeding season (July 2014)
- a briefing by ornithologist and kittiwake expert, Dr John Coulson on herring gulls and kittiwakes, ‘A pest can be a rose growing in a cabbage patch’ (February 2015)
- a written submission by the RSPB to the review

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT, PLEASE CONTACT ST JOHN HARRIS, DEMOCRATIC SERVICES MANAGER ON 01723 383556 e-mail stjohn.harris@scarborough.gov.uk