Bird licence changes

Consultation results announced

Anyone involved in bird management needs to keep up-to-date with legal requirements and guidance. In this article we review the results of the consultation by Natural England (NE) and the adjustments that have been made to the General and Class Licences for protected species in England.

On 16 September 2014, Natural England published its response to the wide-ranging consultation on potential adjustments to General and Class Licences for protected species issued under wildlife legislation.

This consultation took place between February and May this year.

Periodic review

These licences are periodically reviewed with stakeholders and the general public regarding proposed changes and at the same time seeking views on broader topics. The last such review was in 2008 when a number of changes were implemented, in particular relating to non-native species, large gull species and a new Class Licence for food premises.

In this round of consultation, views were sought on 65 separate questions: 46 relating to specific proposals that NE were making and 19 where NE was seeking information rather than proposing a licence change.

Only a few of these were relevant to professional pest controllers – the balance relating to such subjects as wildlife taxidermy.

Plenty of responses to consider

The consultation attracted over 2,000 responses.

These have now been evaluated by the Natural England board. 25 proposals were well supported and the board members were confident that these were the right changes to make in the interests of the effective and safe management of wildlife.

For a number of other proposals the case for change had not been sufficiently made so these will not be implemented. However, for a pretty large proportion of the proposed changes, the board decided: ‘To consider the feedback in detail before any changes to the current licensing arrangements are made’. This means the decision was deferred and further changes could still be implemented in the future.

Shoo before you shoot

The proposal which attracted the most media attention was what became known as the ‘shoo before you shoot’ amendment. This was one of the many amendments not implemented. The National Farmers Union (NFU) commented: “Natural England’s decision not to complicate rules for farmers and growers who need to protect their crops from certain bird species is sensible.”

A similar reaction came from the National Gamekeepers’ Organisation (NGO) who declared the announcement: “a victory for commonsense and the countryside.” They were smart enough to notice the deferred proposals and have issued a cautionary note, warning that there was work still to be done as 20 of the original proposals have merely been deferred, pending further consideration of responses.

Pest approached the Natural England press office to find out if there was any timetable for the ‘further consideration’ of the outstanding items. Unfortunately, they were unable to give any timeframe.

An extra Tesco ‘customer’ ruffles feathers

A female pied wagtail that set-up home in the Tesco store in Great Yarmouth hit the national headlines. Living off crumbs in the cafe and making itself comfy in the clothing department, this uninvited guest earned itself quite a fan club, even TV naturalist Chris Packham, who tweeted his concerns.

Over many weeks, all attempts by Tesco staff to catch the invader failed. Under the Natural England General Licence applying to food premises this bird can now be trapped and released. But the bird acquired star status when it became known clearance had been granted to shoot it and marksmen engaged.

On 21 September, with help from the British Trust for Ornithology, giant mist nets were erected, the invader caught and subsequently released outdoors. One does wonder if such concern would have been shown had the feathered pest not been such an attractive and chirpy customer.
Summary of Natural England board decisions on General and Class wildlife licences

In an attempt to simplify the responses, Pest has poured over the summary of board decisions to pick-out those most relevant to pest management professionals. These are shown below. The section numbers refer to those used in both the original consultation document and the board summary of proposals. Both documents can be accessed via the links in the news story on the Pest website.

Section 1 – for the purposes of preventing agricultural damage or disease and conserving flora & fauna

To add – Egyptian goose (but not greylag goose) to General Licence (GL) WML-GL04.
Declined – the removal of jackdaw, joy and collared dove from GL WML-GL04 and jackdaw and joy from WML-GL06.

Section 2 – For the purposes of preserving public health and safety

Declined – the addition of greylag goose, mallard, pied wagtail, robin and starling to GL WML-GL05.

Section 3 – Large gulls

Deferred – amendment to General and Class Licence arrangements for lesser black-backed and herring gulls.

Section 4 – Crow species

Declined – amendment to the wording Crow Corvus corone to Carrion crow Corvus corone in General and Class Licences.

Section 5 – Air safety Class Licence (CL) WML-CL12

To implement – prior registration to become a requirement for users
To implement – a requirement to provide nil returns, as part of the reporting requirements
To add – greylag goose and Egyptian goose (but not stock dove, curlew or oystercatcher).

Section 6 – Food premises CL WML-CL03

To add – pied wagtail, blue tit, great tit, dunnock and song thrush, so permitting trapping and release.

Section 7 – Trapping Code of Practice

Deferred – various amendments to the Code of Practice.

Section 8 – Keeping trapped birds as decoys

Deferred – various amendments to keeping and retaining decoy birds.

Section 9 – Referenced tagging system for traps

Deferred – the use of a reference tagging system for traps

Section 10 – Use of Larsen-Mate type traps

Deferred – decision as to whether Larsen-Mate traps should be permitted for use under General and Class licences

Section 11 – Humane disposal of birds

Deferred – to add wording re reasonable precautions to avoid unnecessary suffering to birds

Sections 26, 27 & 28 – Licence conditions

Deferred – various additions regarding ‘Read and understand’ before taking the licensed action, breaching licence conditions and resulting sanctions.

Section 28b – General Licence users with convictions

To implement – users with relevant convictions who had permission withdrawn may apply to NE. Each application will be considered on its merits.

Section 31 – The ‘No satisfactory alternative’ legal test

Deferred – amendment which would have required licence holders to have taken reasonable and appropriate steps to resolve the problem, such as scarifying and proofing
Your ten minute guide to licences issued by Natural England

Natural England (NE) is the government’s adviser on the natural environment. It provides practical advice, grounded in science, on how best to safeguard England’s natural wealth for the benefit of everyone.

NE’s regulatory duties are based on a range of legislation relating to the natural environment and covering both national and international obligations. Derogations are issued under wildlife legislation (commonly referred to as licences) as one of their duties and NE is authorised to exercise this power in accordance with an agreement made with the Secretary of State under section 78 of the Natural Environment and Rural Communities Act 2006.

Licences are only issued for specified purposes which are set down in the relevant legislation and only if certain specific criteria are met. NE applies five general principles to all its licensing activities. These are:

a. There is a genuine problem to resolve or need to satisfy for which a licensing purpose is applicable;
b. There are no satisfactory alternatives;
c. The licensed action will contribute to resolving the problem or meeting the need;
d. The action to be licensed is proportionate to the scale of the problem or need;
e. The licensed action will not have an adverse effect on the favourable conservation status of any habitat type or species within its natural range.

Licences can be issued to individuals, organisations, projects and, under some legislation, to a wider category of people whereby any person satisfying certain stated criteria may rely on the licence.

These more widely applicable licences are typically referred to as either ‘General’ or ‘Class’ licences. The key features of the principal licence types are summarised in Box 1.

The different licence types make different requirements on people seeking permission to use a licence. Typically, the administrative effort required to obtain and act under a licence declines from Individual to General Licence. This is summarised in Box 2.

Separate arrangements apply to Scotland, Wales and Northern Ireland and details can be found as follow:
For Scotland: Scottish Natural Heritage www.snh.gov.uk
For Wales: Natural Resources Wales www.naturalresourceswales.gov.uk
For Northern Ireland: the Department of the Environment www.doeni.gov.uk

Box 1: The key features of the principal licence types

<table>
<thead>
<tr>
<th>Individual licence</th>
<th>Class licence</th>
<th>General licence</th>
</tr>
</thead>
<tbody>
<tr>
<td>User known</td>
<td>User known</td>
<td>User unknown</td>
</tr>
<tr>
<td>Merits assessed</td>
<td>General assessment of merits</td>
<td>General assessment of merits</td>
</tr>
<tr>
<td>Bespoke terms &amp; tailored limits</td>
<td>Generic conditions</td>
<td>Generic conditions</td>
</tr>
<tr>
<td>Compliance checking</td>
<td>Generic limits</td>
<td>No limits</td>
</tr>
<tr>
<td>Able to assess impact</td>
<td>Compliance checking</td>
<td>No compliance checking</td>
</tr>
</tbody>
</table>

Box 2: Differences in requirements for licence users

<table>
<thead>
<tr>
<th>Individual licence</th>
<th>Class licence</th>
<th>General licence</th>
</tr>
</thead>
<tbody>
<tr>
<td>Must apply to use on each occasion or each year</td>
<td>Must register before first use of licence</td>
<td>No need to seek permission to use licence</td>
</tr>
<tr>
<td>Need to provide detailed evidence in support of application</td>
<td>May need to provide evidence of skills or experience, but not of need for licence</td>
<td>No requirement to provide supporting evidence</td>
</tr>
<tr>
<td>Reporting requirement</td>
<td>Reporting requirement</td>
<td>No requirement to report on licensed activities</td>
</tr>
<tr>
<td>Compliance routinely checked</td>
<td>Compliance may be checked</td>
<td>Compliance checking unlikely</td>
</tr>
</tbody>
</table>
3 ACTIVES
7 FORMULATIONS,
YOUR CHOICE.

View our full range of products at www.pelgar.co.uk

PelGar International is trusted across the world as the number one choice for rodenticides. Our customers benefit from advanced research and development, excellence in manufacture and full technical support.

Leading the way in British pest control

01420 80744
sales@pelgar.co.uk
www.pelgar.co.uk

Use rodenticides safely. Always read the label and product information before use. Roban contains 0.005%w/w difenacoum. Rodex contains 0.005%w/w bromadiolone. Vertox contains 0.005%w/w brodifacoum.