

Scottish Executive General (SEGEN) Licences Consultation

Submitted by John F. Robins on behalf of the pressure group Animal Concern and the charity Animal Concern Advice Line. 28th March 2007.

We were pleased to see that, after many false starts, the SEGEN Licences Consultation finally got underway in January 2007.

However, while welcoming many of the suggested amendments to the SEGEN Licences, it is with regret we note the consultation does not address our major concerns on the way SEGEN Licences are administered, issued and monitored.

In early 2004 we raised with the Scottish Executive Environment and Rural Affairs Department (SEERAD) our concern that, although it clearly states on the current SEGEN 10 license that, as detailed under section 16(1)(d) and (i) of the Wildlife and Countryside Act 1981, it can only be issued after consultation with Scottish Natural Heritage (SNH) and that before granting the Licence SEERAD must be satisfied there is no other satisfactory solution, there was no evidence that SNH were ever consulted or any other solutions had been considered. Indeed a Freedom of Information request failed to find any communication between SEERAD and SNH on SEGEN Licences.

This lack of consultation with SNH and failure to give proper consideration to alternatives to killing birds is compounded by the fact that pre-signed Licences can be freely downloaded from the SEERAD website.

People do not even have to apply for a Licence far less justify why they want one or explain what alternatives to culling they have considered. They can simply print out a pre-signed document from the Internet and immediately they have legal permission to kill an indeterminate number of various species of wild birds without the need to justify, record or report their actions.

By failing to consult with SNH and by giving no consideration to alternatives to culling we argue that SEERAD have been issuing SEGEN Licences illegally.

It is also ludicrous that there are absolutely no mechanisms in place to record the number of Licences downloaded, who uses those Licences or the number or species of birds killed under them. There also does not appear to be any clear method of policing the current licensing system.

We cannot find anything in the amendments suggested in this Consultation which would fundamentally change this deplorable situation.

Several incidents have led us to believe the current situation is allowing birds to be culled for no good reason. For instance pest control officers (presumably operating under SEGEN 10) were called in by an Inverness supermarket on several occasions to kill sparrows which were getting into their store. Using adverse publicity we helped persuade the company to install plastic screens on their loading bays which had the dual effect of keeping birds out and keeping heat in. Had the SEGEN system been operated as required by law SNH or SEERAD should have refused to issue a SEGEN 10 on the grounds that alternative methods were available.

In March 2007 I addressed a meeting of animal health officers from several local authority Environmental Health Departments and, despite being involved in pigeon and gull control operations, few if any of them were aware of SEGEN Licences.

Any changes made to individual SEGEN Licences will be of no consequence unless the system under which they are issued is totally overhauled. Before wasting time and public money on processing the consultation on individual suggested changes to the SEGEN Licences we recommend SEERAD give the following serious consideration:

All applications for a SEGEN Licence should be made in writing (by letter or e-mail) to SEERAD and each application should include:

The name and address of the applicant and the location of the proposed bird control operation.

The reason for wanting to kill the birds, remove their nests or destroy their eggs.

The species and the approximate number of birds/nests/eggs to be destroyed.

The proposed method of bird control to be employed.

The time within which it is proposed to carry out the operation.

What alternative methods to deter the birds have been considered and why these have not been attempted or, if tried, why they did not prove successful.

In addition, before amending and updating the SEGEN Licence scheme, it would make sense to determine who is going to police the scheme and where the funds are going to come from to pay for that policing. We would suggest that users of the Licences should pay a realistic fee for their Licence and that all fees raised be ring fenced for expenditure on policing the scheme.

Anyone granted any SEGEN Licence should definitely be required to make a return at the end of the Licence period. The return should specify the numbers and species of birds killed or eggs or nests destroyed.

We also suggest that no destruction of adult birds be permitted between March 1st and August 1st to reduce the chance of chicks being left to starve to death.

We oppose the continuation of issuing licenses for the taking of gannet chicks from Sula Sgeir. There is no need for this and quoting tradition as justification is as weak an excuse as something we expect to hear from the likes of Icelandic whale hunters.

We did not see any mention of oiling birds' eggs or replacing them with placebos as a method of population reduction. This should be covered under the SEGEN scheme as it offers a humane alternative to culling.

We note in the paragraph on traps and cages for the taking of crows and magpies that the threat crows and magpies "pose to game birds" is the main reason for allowing the

use of Larsen Traps to take crows and magpies. Much of the persecution of crows and magpies is aimed at reducing predation on pheasant eggs and chicks. It does not make sense to permit the trapping and killing of native species to protect an exotic, imported species which is intensively bred in artificially high numbers to be introduced into the wild just to be shot. Indeed if someone tried today to introduce pheasant shooting into Scotland for the first time it is unlikely they would be allowed to release this alien species into the wild. Although not part of the General Licence system we would use the same argument against allowing the killing of native bird species which predate on rainbow trout in trout fisheries.

We note that the new SEGEN 1 is aimed at stopping amateur use of the licence such as the siting of Larsen traps in residential gardens. The use of Larsen traps in domestic gardens has become fairly widespread thanks in the main to the myth that magpies threaten to wipe out songbirds and the promotion of back garden magpie culling on a popular Scottish website. This is an excellent proposal but to ensure it does stop the use of Larsen traps in gardens it must be far more clearly worded and what is meant by a domestic garden must be properly defined.

We are also very concerned by SEGEN 5, the Bird Rehabilitation Licence. This section seems to take it as fact that in the main only RSPB and Scottish SPCA workers should be licensed to deal with Schedule 4 wild bird casualties. A few years ago I was contacted by a hill walker who had found a badly injured osprey at Loch Lomond. He had phoned RSPB who informed him they did not do bird rehabilitation and suggested he contact Scottish SPCA. Despite being told a broken bone was protruding from a maggot infested wound on its wing the Scottish SPCA told the caller to leave the osprey under a bush. I was able to put the caller in touch with Hessilhead Wildlife Rescue Trust who took the osprey in for treatment.

As the RSPB are a conservation body and do not have any bird welfare and treatment facilities it is pointless making them authorised persons under SEGEN 5. This is a very basic error and raises serious concern over the depth of knowledge of those who drafted this consultation paper or those bodies they chose to consult.

Although the Scottish SPCA does have a wild bird treatment unit at Middlebank in Fife they routinely deliver wild bird casualties to third parties for treatment and rehabilitation. As well as Hessilhead Wildlife Rescue in north Ayrshire I understand the Scottish SPCA pass casualty birds to various other independent animal sanctuaries and back yard bird rehabbers throughout Scotland.

The independent rehabbers also have casualty birds brought to them by the police and members of the public. It is inevitable that some of those casualties will be on Schedule 4.

Although I have no direct experience of dealing with casualty birds I would have thought 15 days was rather a short time in which to treat and rehabilitate all injured birds. Casualties can include young chicks blown from their nests in storms. These have to be carefully hand reared and taught how to fend for them selves. I would suggest a 30 or 42 (as per SEGEN 7) day period be allowed before requiring rehabbers to register the bird under Section 7(1)-(2) of the 1981 Act.

I believe there are plans to licence all animal sanctuaries and rescue centres under the Animal Health & Welfare (Scotland) Act. We assume this will include back garden bird rehabbers. It is probable that licensed rehabbers would be required to book in and book out all creatures that come into their care. This system would provide a record of any Schedule 4 birds dealt with.

It would make sense to amalgamate the proposed SEGEN 5 with the proposed SEGEN 7. Casualty birds are far more likely to be cared for by independent animal welfare charities and volunteer back garden rehabbers than by professional vets who would be called in by the rehabbers who would pay them to examine the casualty and provide any necessary veterinary treatment. A SEGEN 5 could be used by both rehabbers and vets dealing with Schedule 4 bird casualties.

There may be a misleading typo in the SEGEN 7 proposal which reads “A legal condition will be inserted to ensure that this license may not be used unless there is no other satisfactory solution.” Should that perhaps read; “A legal condition will be inserted to ensure that this license may only be used if there is no other satisfactory solution.”?

I hope those drafting the changes to the SEGEN Licences will look carefully at the deeply flawed administrative system surrounding the Licences and overhaul that system as well as the Licences.

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Advice Line. 28th March 2007.