

CLASS LICENCE

To take certain species of wild birds trapped in food premises to preserve public health or public safety



OVERVIEW

This licence permits owners and managers of food premises (and any persons they authorise to act on their behalf) to catch species of wild birds listed on this licence, which have become trapped in the building. Any birds captured under this licence must be released unharmed outside the premises.

This licence may only be used for the purpose of preserving public health or public safety and only at food premises either that are owned or occupied by organisations registered with Natural England or that have been individually registered with Natural England. An individual food premises can be registered to use this licence or the representative of a group of premises under the same ownership can register.

All reasonable and lawful steps must have been taken to prevent birds entering the premises and other non-lethal methods of removing the birds (such as opening doors) shown to be ineffective or impracticable. Anyone acting under the licence must be competent to undertake the actions planned to remove the bird.

Registration Registration is required before relying on this licence. This licence may only be used at premises registered with Natural England and at premises owned or occupied by organisations registered with Natural England.

Recording & reporting There is an annual reporting and recording requirement.

Reference WML – CL03

LICENCE TERMS and CONDITIONS

Legislation Wildlife and Countryside Act 1981 (as amended) ('the 1981 Act')

Relevant section(s) Sections 16 (1)(i) and 16(5)

Valid for the period 1 January 2016 to 31 December 2016 (inclusive)

Area valid in All counties of England (landward of the mean low water mark)

Purpose(s) for which this licence is issued Preserve public health or public safety.

What this licence permits Subject to all the terms and conditions of this licence and solely for the purpose(s) stated above, this licence permits Registered Persons and employees of Registered Organisations and other persons authorised to act on their behalf:

- i. to take (and then release alive and unharmed) any of the wild birds listed below:

Blackbird	<i>Turdus merula</i>
Blue tit	<i>Cyanistes caeruleus</i> (formerly <i>Parus caeruleus</i>)
Dunnock	<i>Prunella modularis</i>
Great tit	<i>Parus major</i>
House Sparrow	<i>Passer domesticus</i>
Pied wagtail	<i>Motacilla alba</i>
Robin	<i>Erithacus rubecula</i>
Song thrush	<i>Turdus philomelos</i>
Starling	<i>Sturnus vulgaris</i>

- ii. and to use any otherwise lawful methods and, as necessary, the following methods prohibited by Section 5 of the 1981 Act:
 - a. a cage or net trap, the dimensions of which do not satisfy the requirements of section 8(1) of the 1981 Act; (see Information and Advice note a); or
 - b. a static mist-net for taking birds in flight or any hand-held net; and
 - c. any sound recording or mirror in conjunction only with a. and b. above.

Who can use this licence

Persons registered to use this licence (Registered Persons), Appointed Persons and those they have authorised to use this licence, Authorised Persons, Accredited Agents and Assistants (see definitions), except those with a recent conviction (see Information and Advice note r).

Definitions used in this licence

“Registered Persons” means owners and managers of “food premises” registered to use this licence.

“Registered Organisation” is a company registered to use this licence that owns and occupies food premises.

An “Accredited Agent” is a suitably trained and experienced person who is able to carry out work in accordance with this licence. See Condition 3.

An “Assistant” is a person assisting the Registered Person or Accredited Agent in undertaking activities under this licence. They must work under the direct supervision of the Registered Person or Accredited Agent.

The “Appointed Person” is an employee of the Registered Organisation who is nominated to act as a single point of contact for Natural England with regard to this licence. The Appointed Person is expected to oversee use of the licence, including authorising employees and accredited agents to act under the licence, training, recording keeping and compliance.

An “Authorised Person” is defined as an employee of the Registered Organisation who has received appropriate training and is competent to undertake activities permitted by the licence and who is authorised to act under the licence by the Appointed Person and any persons they authorise as Accredited Agents or Assistants.

“Food premises” means an enclosed premise used for the retailing, production, processing, packaging and storage of food intended for sale for human consumption.

“Wild bird” has the same meaning as in section 27 of the 1981 Act.

LICENCE CONDITIONS

1. Except as specifically permitted under ‘What this licence permits’ above, this licence does not authorise the use of any method of taking which is prohibited by section 5 or section 8 of the 1981 Act.

Eligibility to use this licence

2. This licence may only be used by Appointed, Registered and Authorised Persons, or their Accredited Agents or Assistants (see Condition 4):
 - at food premises registered with Natural England or food premises owned and occupied by an organisation registered with Natural England, and
 - in circumstances where appropriate legal methods of preventing birds entering the food premises have been taken and any installations (such as proofing measures) are installed and properly maintained, and all means of legally flushing birds out of the premises are either ineffective or impracticable (see Information and Advice note c below).
3. A person is only a Registered or Appointed Person when Natural England confirms the Person or

their Organisation to be successfully registered to use this licence in accordance with Information and Advice Note h.

4. The Registered or Appointed Person may authorise Accredited Agents (see Definitions) to work on his/her behalf. A Registered or Appointed Person may authorise more than one Accredited Agent, or may authorise operatives of a named company to act on their behalf. Accredited Agents are only permitted to act under the licence if they are in possession of a letter signed by the Registered or Appointed Person appointing them by name as a duly Accredited Agent for the purpose of this licence. Accredited Agents shall produce it to any police or Natural England officer on demand. The Registered or Appointed Person and Accredited Agents may authorise Assistants provided they work under their direct personal supervision. At all times the Registered or Appointed Person is fully responsible for all the work carried out under the licence whether by themselves or other people.
5. It is the responsibility of the Registered Organisation to provide suitable training to enable its employees, Accredited Agents and Assistants to meet the conditions of this licence. They must also abide by the most up to date iterations of any guidance referred to in this licence.
6. The Registered Organisation or Registered Person is responsible for all activities carried out under this licence, including activities carried out by its Accredited Agents and their Assistants and in the case of organisations, its employees.
7. A person is only permitted to use methods authorised above if he or she is competent and experienced in their use for catching wild birds. Only persons in possession of a valid 'A' or 'C' permit issued by the British Trust for Ornithology (BTO), or a valid personal licence authorising them to use mist nets issued by Natural England are permitted to use a mist-net under this licence. Holders of 'T' permits under the BTO's Ringing Scheme are not permitted to use a mist-net under this licence (see Information and Advice note e below).
8. The Registered or Appointed Person shall permit an officer of Natural England, accompanied by such individuals as he/she considers necessary for the purpose, on production of his/her identification on demand, to inspect premises registered to use this licence and to be present during any operations carried out under the authority of this licence for the purpose of ascertaining whether the conditions of this licence are being, or have been, complied with. The Registered or Appointed Person and authorised persons shall give all reasonable assistance to an officer of Natural England and any individuals accompanying him/her.

Acting under this licence

9. Persons acting under this licence must comply, as appropriate, with 'Wild birds: remove them from food premises using nets or traps' [guidance](#) at Gov.uk.
10. All reasonable steps must be taken to prevent injury to birds taken under this licence and all relevant animal welfare legislation must be complied with at all times, including the Animal Welfare Act 2006 (see Advice and Information note b).
11. If any nest containing eggs or young is located within the premises then this licence cannot be relied upon to take any further action until advice has been obtained from Natural England Wildlife Licensing (see contact details below) on how best to proceed.
12. Bird(s) must only be released outside during daylight hours, avoiding late afternoons during winter and severe weather conditions at all times.
13. Any captured bird must be carefully placed in a bird bag or a secure cage. If you use a cage to hold birds prior to release this must be placed in a dark room or covered so that the birds are kept in darkness until they are released. The room should also be fairly quiet i.e. free from machinery noise.
14. Birds taken under this licence must be released into or directly adjacent to suitable habitat for the species.
15. Where any live animal, other than a bird included in the list above, or an animal of a species listed on Schedule 9 of the 1981 Act, has become confined in a cage trap or caught in a net, if fit to be released, it must be released immediately upon discovery. See Information and Advice note I regarding any animals that are listed on Schedule 9.

Additional licence conditions for cage and net traps only

16. When in use, every cage trap used pursuant to this licence must be physically inspected by a suitably authorised person at least twice every day, at no more than 12 hourly intervals. Such an inspection must be sufficient to determine whether there are birds or other animals in the trap.
17. At each inspection, any bird or other animal caught in the trap must be immediately removed from it.
18. At all times when set, each trap must contain suitable food and water sufficient to provide for any captive birds unless birds are removed immediately after their capture.
19. Where a cage trap is not in use, it must be rendered incapable of holding or catching birds or other animals. Any bait, food or water must also be removed (see Information and Advice note f below).
20. Where a mirror is used to enhance trapping, the trap must be either supervised constantly or checked hourly until the mirror is removed. The type and location of the mirror must be carefully selected so as to minimise the risk of harm or distress to the target bird after capture.
21. Where a mirror is used to enhance netting, the net must be constantly attended and the bird removed from the net immediately upon capture.

Recording and reporting requirements

22. The Registered Person or Appointed Person shall maintain a record, which shall be kept for at least two (2) years beyond the expiry date of this licence, of all birds taken and released, and a summary of licensed activities (see Annex A) shall be sent to the Natural England for each calendar year, by 31 January of the succeeding year.
23. Any person authorised to use this licence by the Registered or Appointed Person must supply information to enable submission of the summary of licensed activities.

IMPORTANT

This licence authorises acts that would otherwise be offences under the legislation referred to above. Failure to comply with its terms and conditions:

- i. may be an offence against the 1981 Act or mean that the licence cannot be relied upon and an offence could therefore be committed. The maximum penalty available for an offence under the 1981 Act is, at the time of the issue of this licence, an unlimited fine and/or a six month custodial sentence; and
- ii. may result in your permission to use this licence being withdrawn. Natural England will inform any person or organisation whose permission to use this licence is withdrawn in writing. This sanction may be applied to other similar licences.

If the activity that you wish to undertake is not covered by this licence, or if you are unable to comply with any of the terms and conditions which apply to the use of this licence, then you will need to apply to Natural England for an individual licence.

Issued by and on behalf of Natural England on 31 December 2015

INFORMATION AND ADVICE specific to this licence

- a. You may not use this licence to prevent nuisance (such as activating movement sensor alarms) as this is not permitted under the 1981 Act. If the techniques permitted under this licence prove unsuccessful at catching the trapped birds then contact Natural England Wildlife Licensing for advice (contact details below). **To shoot a trapped bird will require a separate licence issued by Natural England.**
- b. Persons acting under a licence should have regard to legislation and good practice relevant to the action(s) undertaken including animal welfare and the Animal Welfare Act 2006. It is an offence to cause any unnecessary suffering to an animal (including birds) under the control of man (section 4 of the 2006 Act). This applies to the humane despatch of captured animals and the treatment of animals held in traps or nets, including decoy birds and non-target animals. For advice on the relevance of the 2006 Act to wildlife management please refer to the Natural England leaflet [‘The Animal Welfare Act 2006: what it means for wildlife’ \(TIN072\)](#).

Preventing birds entering premises

- c. This licence may only be used in respect of a food premises if all reasonable and lawful steps have been

taken to prevent incursions by birds and if appropriate efforts have been taken to flush birds out of buildings. Measures that should be employed to avoid problems with birds in food premises include:

- i. *Eliminate feeding opportunities*: clear-up food spills, cover or move exposed produce and replace or protect damaged packaging.
 - ii. *Raise awareness*: make sure all staff (and where appropriate, other building users) are aware of the potential problems caused by birds and what to do to prevent incursions into buildings. Do not feed the birds inside buildings or close to entrances.
 - iii. *Adequately proof buildings*: do everything practicable to prevent birds entering buildings in the first place:
 - install swing-doors, strip curtain doors, roller-doors or rapid action doors. Do not leave doors open unless protected, e.g. by strip curtains;
 - screen windows or keep them closed;
 - make sure birds cannot enter buildings via vents or other apertures; and
 - carry-out regular checks of the integrity of proofing measures and take prompt action to repair damage and wear and tear.
 - iv. *Before using this licence*: open doors and windows during daytime, turn off lights and attempt to flush birds outside.
- d. Birds should be released as soon as possible after capture. To prevent a recurrence of incursions (in addition to the measures outlined at d above) it may be necessary to release captured birds at a suitable site at least four (4) miles (6.5 km) from the site of capture. However, we advise against this course of action during the bird breeding season in case any captured bird has a nest with eggs or dependent young nearby.

Use of traps and mist-nets

- e. Please see <https://www.gov.uk/get-a-wildlife-licence> to apply for a personal licence to use mist-nets or contact Natural England Wildlife Licensing (contact details below).
- f. It is necessary to either secure the door in a fully open or closed position or to remove the door completely in order to render any cage trap incapable of holding or catching birds or other animals.
- g. If any caught birds have leg rings, we request that details are recorded and submitted online at www.ring.ac or sent to the BTO at The Ringing Unit, BTO, The Nunnery, Thetford, Norfolk IP24 2PU. Please include details of the bird species and where it was trapped and released. Do not remove rings from live birds.

How to register a food premise or organisation to use this licence

- h. Before relying on this licence it is necessary to submit in writing (preferably by email) the following details to Natural England Wildlife Licensing:
 - i. Your name or (in the case of organisations) the name of a Responsible Person who will be the "Appointed Person"; and
 - ii. Contact address, telephone number and email address (if available).
- i. Once registered, the Registered or Appointed Person must inform Natural England of any permanent change of address.
- j. Once registered, a person is entitled to use this licence so long as they satisfy the licence's terms and conditions; annual re-registration is not required. The annual reporting process is used to verify a person's desire to remain registered.
- k. Anyone seeking to confirm whether a food premise or organisation is registered to use this licence should contact Natural England Wildlife Licensing.
- l. Failure to comply by the terms and conditions of this licence may result in a person's registration being revoked, depending on the seriousness of the breach. Normally, Natural England will give 28 days' notice of its intention to revoke a person's registration, during which time that person may make representations to Natural England to retain their registration. However, this period may be reduced if the breach is serious or if there is an immediate risk that needs to be avoided. Please note that failure to submit reports by the proscribed deadline will automatically render a person's registration null and void. Any person who is de-registered may apply to Natural England to be re-registered to use this licence.

Non-native species

- m. Under section 14 of the 1981 Act it is an offence to release into the wild any animal included in Part 1 of Schedule 9 to the 1981 Act. Any animals of species listed on Schedule 9 accidentally caught by licensed trapping should be treated as follows:
 - i. Animals of the following species, which are considered native to Great Britain, must be released immediately upon discovery. This is permitted under General Licence WML – GL22.

Barn Owl	<i>Tyto alba</i>
Capercaillie	<i>Tetrao urogallus</i>
Corncrake	<i>Crex crex</i>
Common crane	<i>Grus grus</i>
Northern goshawk	<i>Accipiter gentilis</i>
Red-billed chough	<i>Pyrrhocorax pyrrhocorax</i>
Red kite	<i>Milvus milvus</i>
White-tailed eagle	<i>Haliaeetus albicilla</i> (also known as <i>Haliaeetus albicilla</i>)

- ii. Animals of other species listed on Schedule 9 (this includes: the Canada Goose *Branta canadensis*, Monk parakeet *Myiopsitta monachus*, Ring-necked Parakeet *Psittacula krameri*, Grey Squirrel *Sciurus carolinensis*, Edible Dormouse *Glis glis*; also known as *Myoxus glis*, and North American Mink *Neovison vison*; also known as *Mustela vison*) must not be released or allowed to escape into the wild. It is preferable that these animals are killed in a quick and humane manner as soon as reasonably practicable after discovery. These animals may only be released under an individual licence obtained from Natural England.

INFORMATION AND ADVICE for all Class and General Licences

General Information

- n. Natural England checks compliance with licences and the attached conditions and where breaches occur will apply its published compliance and enforcement position (see Natural England's [Compliance and Enforcement Position](#)).
- o. Any request for information in a licence will be considered under the Environmental Information Regulations 2004 and the Freedom of Information Act 2000 as appropriate.
- p. Ordinarily, licences will be reissued on 1 January each year (*NB you do not need to re-register for those with registration requirements*). Please note, however, that they can be modified or revoked at any time by Natural England or the Secretary of State, but this will not be done unless there are good reasons for doing so. You are advised to check the terms and conditions of a licence prior to your first use of it each year in case of amendments.
- q. The common name of the species given in a licence is included by way of guidance only; in the event of any dispute or proceedings, it is the scientific name of a species only that will be taken into account.
- r. No person convicted on or after 1 January 2010 of an offence under the Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981, the Protection of Badgers Act 1992, the Deer Act 1991, the Hunting Act 2004, the Wild Mammals (Protection) Act 1996, the Animal Welfare Act 2006 or the Protection of Animals Act 1911 (all as amended) may use a General or Class Licence without the permission of Natural England unless, in respect of that offence, either:
- they are a rehabilitated person for the purposes of the Rehabilitation of Offenders Act 1974 and their conviction is treated as spent; or
 - a court has made an order discharging them absolutely.
- s. Any person not permitted to use a General or Class Licence on account of a relevant conviction or who has had their permission to use a licence withdrawn can still apply to Natural England for a specific licence for the relevant purposes and activities. Any such application will be considered on its merits.

The limits of licences

- t. Licences permit action only for the purposes specified on that licence.
- u. Licences do not permit actions prohibited under any other legislation, nor do they confer any right of entry upon land.
- v. Unless otherwise stated the provisions of Natural England licences only apply landward of the mean low water mark in England. The Marine Management Organisation is responsible for all licensing seaward of the mean low water mark.

Protected sites

- w. This licence is not permission from Natural England for an activity that could damage a Site of Special Scientific Interest (SSSI). See [Gov.uk](#) for further information. Advice may be sought from the local adviser for the SSSI: <https://www.gov.uk/government/organisations/natural-england#org-contacts>. In considering whether to permit activities on a SSSI, Natural England will also consider impacts on [European Sites](#) where relevant.

The law

- x. Natural England has issued this licence in exercise of the powers conferred by the 1981 Wildlife and

Countryside Act (as amended). Visit www.legislation.gov.uk to view the full text of this legislation.

- y. Section 16 of the 1981 Act provides that the offences in Part 1 of the 1981 Act shall not apply to anything done under and in accordance with the terms of a licence granted by the appropriate authority, which is, in England, Natural England.

Contact details for Natural England

For licensing enquiries:

Telephone 0845 601 4523

Fax 0845 601 3438

Email wildlife@naturalengland.org.uk

Postal address Wildlife Licensing, Natural England, First Floor, Temple Quay House, 2 The Square, Bristol, BS1 6EB

For other enquiries use the Enquiry Service:

Telephone 00300 060 3900

Email enquiries@naturalengland.org.uk

Web <https://www.gov.uk/government/organisations/natural-england#org-contacts>

Using and Sharing Your Information



The data controller is Natural England, Foss House, Kings Pool, 1 – 2 Peasholme Green, York YO1 7PX.

Your information will be stored and processed in accordance with the Data Protection Act 1998. This Act gives you, as an individual, the right to know what data we hold on you, how we use it, with whom we share it and to ensure that it is accurate. The information will be used by Natural England to undertake licensing functions. To do this we may have to discuss applications, licensing decisions, reports and returns with third parties.

Natural England recognises there is significant public interest in wildlife licensing and in those who benefit from receiving a wildlife licence. Therefore, we may make information publicly available (for example, survey records are normally made available via the National Biodiversity Network Gateway and to Local Record Centres). Information released may include, but is not limited to, your name or business name, application and licence details as well as reports and returns. Natural England, however, realises that some licensed activities can be sensitive and we will not release information that could harm people, species or habitats. In some cases, for example, this may mean not releasing the names and addresses of individuals or the location of the licensed activity.

Natural England or its appointed agents may use your name, address and other details to contact you in connection with occasional customer research aimed at improving the services that Natural England provides to you.

We will respect personal privacy, whilst complying with access to information requests to the extent necessary to enable Natural England to comply with its statutory obligations under the Environmental Information Regulations 2004, and the Freedom of Information Act 2000.

Annex A

Report of licensed activities

The following minimum information must be provided in each annual report for all birds caught and released under this licence for each premise where the licence was used.

Premise name and address			
Postcode			
Year			
Species of bird	Number caught and released	Number caught in Trap or Mist Nets	Date