

Licence No: **GEN / WCA / 016 / 2018**

Valid From: **1st January 2018**

Expiry: **31st December 2018**

WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

LICENCE TO TAKE CERTAIN WILD BIRDS FROM FOOD PREMISES FOR THE PURPOSE OF PRESERVING PUBLIC HEALTH AND PUBLIC SAFETY

This licence, granted under Section 16(1) (i), 16(5) and 16(5A) of the Wildlife and Countryside Act 1981 (as amended), by the Natural Resource Body for Wales otherwise known as Natural Resources Wales (NRW), being satisfied that as regards the purpose set out at paragraph 1 that there is no other satisfactory solution, permits authorised persons to carry out a range of activities against the birds of the species listed and hereby grants the following licence which applies only in Wales: -

1. The purpose for which this licence is granted is preserving public health or public safety.
2. Subject to the conditions below, and for the purpose set out in paragraph 1, this licence permits:
 - (a) Authorised persons (see definition) to take and release alive and unharmed any of the wild birds listed below:

Blackbird	<i>Turdus merula</i>
Dunnock	<i>Prunella modularis</i>
Robin	<i>Erithacus rubecula</i>
Sparrow, House	<i>Passer domesticus</i>
Starling	<i>Sturnus vulgaris</i>
Thrush, Song	<i>Turdus philomelos</i>
Tit, Blue	<i>Cyanistes caeruleus</i>
Tit, Great	<i>Parus major</i>
Wagtail, Pied	<i>Motacilla alba</i>

by use of:

- i.* a cage trap, the dimensions of which do not satisfy the requirements of Section 8(1) of the Act;
- ii.* any sound recording or mirror used in conjunction with i) above.

Ffôn/Tel 0300 065 4974 / 0300 065 4921

Ebost/Email: trwyddedrhwyogaeth@cyfoethnaturiolcymru.gov.uk or specieslicence@naturalresourceswales.gov.uk
www.cyfoethnaturiolcymru.gov.uk www.naturalresourceswales.gov.uk

Cyfoeth Naturiol Cymru / Natural Resources Wales, Maes y Ffynnon, Penrhos Garnedd, Bangor, Gwynedd, LL57 2DW

Croesewir gohebiaeth yn y Gymraeg a'r Saesneg

Correspondence welcomed in Welsh and English

The works noted above are licensed for the period **as stated above** and are granted subject to compliance with the conditions as specified. Anything done otherwise than in accordance with the terms of the licence may constitute an offence.



Signed for and on behalf of
Natural Resources Wales

CONDITIONS

1. This licence can only be relied on in circumstances where the licensee is satisfied that all appropriate legal methods such as proofing (to prevent entry by birds) and opening doors and windows (to release birds) are either ineffective or impracticable.
2. Except as specifically permitted under paragraph (2) above, this licence does not authorise the use of any method of taking which is prohibited by Section 5 or Section 8 of the Act.
3. No person convicted of an offence to which this paragraph applies may use this licence unless, in respect of that offence, either (1) they were dismissed with an admonition, or (2) they are a rehabilitated person for the purposes of the Rehabilitation of Offenders Act 1974 and their conviction is treated as spent. A person may also use this licence where, in respect of such an offence, a court has made an order discharging them absolutely. This paragraph applies to offences under the Wildlife and Countryside Act 1981, the Deer Act 1991, the Wild Mammals (Protection) Act 1996, the Hunting Act 2004, the Conservation of Habitats and Species Regulations 2017, the Protection of Badgers Act 1992 and the Animal Welfare Act 2006 (all as amended).
4. Failure to act within the purpose of this licence as set out in paragraph 1 or failure to comply with the terms and conditions of the licence may mean that the licence cannot be relied upon and an offence could therefore be committed. The maximum penalty available for an offence under the Act is a level 5 fine (£5,000) and/or a six month custodial sentence.
61. 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.
62. 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.
63. When in use, every cage trap used pursuant to this licence must be physically inspected by an authorised person at least twice every day. Such an inspection must be sufficient to determine whether there are birds or other animals in the trap.
64. At each inspection, any bird or other animal caught in the trap must be immediately removed from it.
65. Any captured bird(s) 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.
66. As soon as possible following capture, the bag or secure cage and captive bird(s) must be transported at least 4 miles (6.5 km) away from the store and the bird(s) released at a suitable site.

67. Bird(s) must only be released outside during daylight hours, avoiding late afternoons during winter and severe weather conditions at all times.
68. If more than one bird has been caught, all birds must be released together at the same site.
69. 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.
202. The activities hereby licensed are restricted to the authorised person, accredited agents and assistants as specified on this licence.
203. No accredited agent of the authorised person shall act under this licence unless they are in possession of a letter appointing them as the duly accredited agent of the authorised person for the purpose of this licence. The accredited agent shall carry with them the said letter and a copy of this licence and shall produce them to any police constable or employee of NRW, or other person authorised in writing by the NRW, on demand.
204. Any assistants employed under this licence shall remain under the personal supervision of the authorised person or any accredited agent at all times.
205. The authorised person must assume full responsibility for the conduct of any assistants and accredited agents employed under this licence.
210. Possession of this licence confers no rights of entry onto land. Permission to enter land or premises must be obtained from the owner or occupier, including when any bird is released. NRW will not accept responsibility for failure or omission by authorised persons to fulfil this obligation and will consider immediate revocation of licences if complaints from owners or occupiers on these grounds are received.
211. Within four weeks after the expiry of this licence the Licensee shall submit to NRW details of all the birds taken and released by virtue of this licence on the official report form at Annex A.

NOTES

1. A licence in similar terms has been issued by Natural England in respect of England and by the Scottish Executive in respect of Scotland.
2. This licence may be modified or revoked at any time.

DEFINITIONS

An “authorised person” means:

- a) the owner or occupier, or any person authorised by the owner or occupier, of the food premises on which the action authorised is taken;
- b) any person authorised in writing by the local authority for the premises within which the action authorised is taken;

The authorisation of any person for the purposes of this definition shall not confer any right of entry upon any land.

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

ANNEX A – Reporting Form

Name of authorised person

Address of licensee

Postcode:

Full address of site where action was taken:

Postcode:

Description of the site (e.g. food warehouse, Fruit farm, etc.)

Area within the site where action was taken (e.g. canteen, grain store, Orchard, etc.)

Action Taken:

Date(s) action Taken	Species	No. of birds killed/taken (if any)

If necessary, please continue on a separate sheet and tick here to indicate that you have done so

Comments (e.g. reason why any target species were not caught under the provisions of this licence, any hazards to other wildlife etc.)

Please send completed form to Natural Resources Wales, Maes y Ffynnon, Penrhosgarnedd, Bangor, LL57 2DW, email specieslicence@naturalresourceswales.gov.uk