

General Licence Consultation

Q & A

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General questions about the consultation

1. Question: When were the general licences last reviewed?

Answer: The licences are reviewed prior to re-issue each year. However, the last major review involving a public consultation was held in 2004. That was undertaken by Defra. In 2007, Natural England conducted a limited stakeholder consultation on a series of relatively minor revisions that were introduced when it issued all general licences for the first time on 1 January 2008.

2. Question: When will these proposals come into effect? AND

3. Question: What's happening to the current licences which expire at the end of December?

Answer: The current general licences, which expire on 31 December 2008, will be renewed without major change on 1 January 2009. Any changes to be introduced as a result of the review announced in the consultation will be made at a later date. However, it is very important to read the new version of any licence you use when it is issued each January as the

terms and conditions of all licences are subject to periodic revision outside the major reviews which are covered in consultations.

Specific questions about the consultation

4. Question: Why are you changing some of the species on the licences?

Answer: General licences are only suitable in certain situations, as explained in detail in the consultation document. Most importantly, a species should only be listed if the licensed activity poses a low risk to the conservation status of that species and where a licence would be routinely granted. If the status of a species changes, then it may no longer be appropriate for this type of licensing.

5. Question: If a species is taken off a general licence does that mean I can't get a licence?

Answer: No. It will still be possible to apply for a personal licence. These are judged on a case by case basis. Information on how to apply for such a licence is given on our website.

<http://www.naturalengland.org.uk/conservation/wildlife-management/licensing/default.htm>

6. Question: Why are you proposing to add parakeets / Canada and Egyptian geese to the general licence(s)?

Answer: In May 2008 the Invasive Non-Native Species Framework Strategy for Great Britain was launched. This country-wide initiative aims to galvanise efforts to combat the threat posed by invasive alien species to native wildlife and other interests. The cornerstone of an effective strategy to tackle non-natives is prevention, and where this fails, early intervention. Natural England has a lead role in implementing the strategy in England, and to support this endeavour we are proposing to embed the principles of prevention and early intervention into our approach to general licensing.

We are proposing to add the two parakeet species and both of these geese to some general licences because of the problems they pose for native wildlife, and in some cases, other interests. The consultation explains the rationale in each case.

7. Question: If you add the parakeets to the licences, won't that encourage people to kill them ?

Answer: Neither the ring-neck parakeet nor the monk parakeet are native species of the British Isles or Europe, and expert advice tells us that both species are a potential threat to native species and other interests, including agriculture and public safety.

Adding the two species to certain general licences will allow action to control birds in specific situations where they are causing a problem with the minimum of bureaucracy. Both species will remain protected species and there will be no "free for all" to kill them. If issued, the licences will clearly state when it will be justified to kill the birds and when it won't. Shooting the birds because they are a nuisance would not be permitted

and neither in most cases would shooting the birds in your back-garden be considered permissible under one of the licences.

8. Question: Why are you proposing to take two gull species off the licences?

Answer: The **Great Black-backed Gull** is a scarce breeding species in England with a breeding population of approximately 1,500 pairs. This is less than half the number of some species that receive special legal protection, such as the Barn Owl and Kingfisher. We are not aware of any evidence that this gull causes widespread problems and we believe that only a small number are killed each year under the existing licences. In view of the relative scarcity of the species and the absence of evidence of significant problems, we are proposing to remove the gull from all but the air safety general licence.

The **Herring Gull** breeding population in Britain has declined by more than 50% in the last 25 years. As a result, it is now listed as a Biodiversity Action Plan (BAP) priority species and meets the qualifying criteria for red listing as a bird of conservation concern. In view of the decline we are proposing the removal of this species from the majority of general licences: similar action was taken in response to declines in house sparrow and starling populations in 2004.

9. Sparrows and starlings were removed from the general licences in 2005 on conservation grounds, so why are you suggesting issuing a new licence for those species?

Answer: In 2005, these species were removed from the licences that enabled people to take or kill birds in a wide range of situations with limited control. This new proposal is closely focused on enabling food handling/production premises to resolve public health and public safety problems caused by birds that occasionally become trapped in such premises. The general licence we propose would incorporate strict conditions, including a requirement for users to register with us and provide an annual report on action taken, thus facilitating compliance checks by Natural England. We believe that this new licence will enable us to remove unnecessary burdens without increasing risks to conservation status of the species.

10. Question: Why are you suggesting changing the Sales licences?

Answer: The licences permitting sales of live and dead birds were drafted many years ago and the basis on which some species were included/excluded is now unclear. Furthermore, there are 5 licences which we believe leads to confusion about which species are permitted to sold under the licences. We propose to consolidate the licences, and clearly explain which species can be sold.

General questions about licences

11. Question: What is a general licence?

Answer: Licences allow activities affecting protected species that would otherwise be unlawful, but which are justified in certain circumstances, for example, to protect public health or safety. In some situations Natural England issues a general licence instead of requiring people to apply for a personal licence. General licences are suitable for activities that pose a low risk for species conservation and where there is sufficient justification to issue a licence without seeking evidence on a case by case basis. A person would find applying for a personal licence in these circumstances an overly burdensome and bureaucratic task.

12. Question: Under what authority are the licences issued?

Answer: The Wildlife and Countryside Act 1981 is the principal piece of legislation covering the conservation and protection of birds, other animals and plants. Section 16 of the Act allows licences to be issued that put aside (the legal term is 'derogate') the protection given to species where it is suitably justified. Natural England is a licensing authority under the Act, and is also authorised by the Secretary of State to issue licences on his behalf.

13. Question: Who can use a general licence?

Answer: This can vary between general licences, so each general licence will clearly state who is eligible to use the licence and what terms and conditions apply.

14. Question: When did Natural England start issuing general licences?

Answer: Natural England has always issued general licences, but from 1 January 2008 it took over responsibility for issuing the licences previously issued by Defra as well.

15. Question: Can I use these general licences outside England?

Answer: No, the Natural England general licences only permit activities in England. The devolved administrations in Wales, Scotland and Northern Ireland are responsible for issuing their own licences. Although provisions are often similar, it is very important to check with the appropriate authorities.