

REPORT TO EXETER CITY COUNCIL SCRUTINY COMMUNITY COMMITTEE

Date of Meeting: 17th JUNE 2014

Report of: ASSISTANT DIRECTOR PUBLIC REALM

Title: COUNCIL RESPONSE ON PETITION IN RESPECT OF BADGERS

Is this a Key Decision?

No

One that affects finances over £1m or significantly affects two or more wards. If this is a key decision then the item must be on the appropriate forward plan of key decisions.

Is this an Executive or Council Function?

Executive

1 What is the report about?

- 1.1 To consider the recent e-petition calling for Exeter City Council to prohibit badger culling on Council owned land

2 Recommendations:

- 2.1 To continue to comply with the Protection of Badger's Act 1992 and put before Executive any future approaches to include council-owned land in a larger culling area.

3 Reasons for the recommendation:

- 3.1 This will allow the opportunity to understand fully the results from the pilot areas.

4 What are the resource implications including non financial resources.

- 4.1 None

5 Section 151 Officer comments:

6 What are the legal aspects?

- 6.1 The duty to comply with the Protection of Badger's Act 1992.

7 Monitoring Officer's comments:

8 Report details:

- 8.1 On 3 January this year, a campaign was launched to protect Exeter badgers from being culled following calls to the Government to extend the cull area to the whole of Devon and Cornwall. An e-petition on the City Council website called for the Council to prohibit the culling of badges on council-owned land and to invest in vaccination programmes locally.
- 8.2 232 signed the following petition which ran to 9 May 2014:

We the undersigned petition the council to prohibit the culling of badgers on council-owned land and invest in vaccination programmes locally. We ask this because we believe culling to be inhumane, inefficient and unscientific. This is a national issue which will be of direct concern to the people of Exeter when DEFRA 'rolls out' its culling policy in 2014. The object of the petition is to

ensure that Exeter's badger population is as safe as possible from slaughter and that the already available injectable badger vaccine against bTB is used in as many cases as possible. We ask this because we believe the culling policy is inhumane (DEFRA's measurement of 'humaneness' is to time the screams of wounded badgers), inefficient (previous culls showed an increase in bTB because of badger movement) and unscientific (the majority of scientific opinion hold that a cull will have 'no meaningful result')

- 8.3 The background is that in December 2011 DEFRA announced that badger culling would be allowed to be carried out by groups of farmers and landowners as part of a science-led and carefully managed policy of badger control. Licences would be issued by Natural England under the Protection of Badgers Act 1992.
- 8.4 Applications for culling licences must meet the following criteria:-
- a) All participating farmers are complying, and for the duration of the licence will continue to comply, with current statutory TB controls.
 - b) Reasonable biosecurity measures are being, and for the duration of the licence will continue to be, implemented by participating farmers on their land. For this purpose 'reasonable measures' means measures that in the particular circumstances are practicable, proportionate and appropriate.
 - c) The application must cover an area of at least 150 square km (Exeter is 47 square km and Devon 6,707 square km).
 - d) The area must be composed wholly of land within an annual routine TB testing area at the time of application (i.e. an area within which cattle are subject to annual testing for TB).
 - e) There must be access for culling to at least 70% of the total land area in the application.
 - f) The size and number of areas of inaccessible land within the application area should be minimised, with at least 90% of the land within the application area either accessible or within 200m of accessible land.
- 8.5 During 2013 Natural England issued licences for two pilot areas (West Gloucestershire and West Somerset) to commence culling. It was proposed that if found to be effective the policy would be rolled out more widely with up to ten licences being granted for different areas each year.
- 8.6 However, in April 2014 DEFRA announced that there would be no further roll out of badger culling this year until full lessons from the pilot areas had been learned.
- 8.7 At present, and despite over thirty areas submitting expressions of interest, only one area (Dorset) appears ready to become an additional cull area if the policy is extended in 2015.
- 8.8 It is important to note that culling will not take place on any land without owner's permission even if that land does form part of a future culling area.
- 8.9 There are a number of badger setts on Council owned and managed land throughout the Valley Parks. Badgers and their setts are protected under the Protection of Badgers Act 1992 which makes it an offence to kill or take a badger, except under this

new licence. The Council's current policy is to deal with any badger issues on ECC land within the legislation, subject to any future implementation of an extension of the cull area.

9 How does the decision contribute to the Council's Corporate Plan?

The Corporate Plan is silent on land management and wildlife protection.

10 What risks are there and how can they be reduced?

10.1 No risk if ECC continue to comply with national legislation. The Council can withhold permission for culling on its land if approached to be part of a larger culling area.

11 What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?

11.1 The decision may have some impact on the diverse wildlife environment.

12 Are there any other options?

12.1 Rather than waiting to consider the results of the two pilot areas and any potential application for a future area that included Exeter, Members may wish to adopt a definitive policy on this issue.

Assistant Director Public Realm

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

None

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