



**SCRUTINY COMMISSION - 16 SEPTEMBER 2014**

**JOINT REPORT OF THE CHIEF EXECUTIVE AND DIRECTOR OF CORPORATE RESOURCES**

**RESPONSE TO PETITIONS FOR AND AGAINST BADGER CULLING**

**Purpose of Report**

1. To provide a response to issues raised in petitions to the County Council for and against badger culling in Leicestershire.

**Policy Framework and Previous Decisions**

2. The Petitions Scheme for Leicestershire County Council is set out in Part 10 of the Constitution. The Scheme states that where the petition is something over which the Council has no direct control, it may consider making representations on behalf of the community to the relevant body.

**E- Petitions received for and against the Culling of Badgers in response to the Control of bovine Tuberculosis (bTB)**

3. An e-petition hosted on the County Council's website from 16/01/2014 to 25/08/2014, started by the Lead Petitioner Sarah Ellis and signed by 177 people in the following terms:

**Save Leicestershire County Council's Badgers from Culling**

**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 Leicestershire County Council when DEFRA "rolls out" its culling policy in 2014. The object of the petition is to ensure that Leicestershire County Council'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 measurements 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").

4. A second e-petition was hosted on the County Council's website from 15/04/2014 to 25/08/2014, started by the Lead Petitioner Dennis Walker and signed by one person in the following terms:

**Support badger culling**

**We the undersigned petition the Council to support the culling of badgers on council owned land as it is not only good for prevention of spreading disease to cattle, it also helps protect other wildlife which is at risk from the over population of badgers.**

Badger culling is not only good for prevention of spreading disease to cattle, it also helps protect other wildlife which is a risk from the over population of badgers.

**Background**

5. Bovine TB is a serious infectious disease of cattle. The bacterium can also infect a number of other species including badgers and deer. Humans can contract bovine TB, primarily from drinking unpasteurised milk, and it is not considered a significant threat to public health. Badgers are known to act as a reservoir for infection of cattle. Over the years, there have been a number of trials of the effectiveness of control through badger culling.
6. In the 1970s, gassing and snaring were used, but are now considered inhumane and of limited effectiveness.
7. In 1986 the *UK Randomised Badger Culling Trials (RBCT)* or '*Krebs Trials*' were carried out. Badgers were reactively trapped and shot from farms with bovine TB. In spite of this, TB increased and the disease returned to areas from which it had been absent for a long period of time. Subsequent studies showed that the strategy was likely to have contributed to the spread of the disease. Proactively culling badgers from a wider area was successful in reducing TB within the culled area, but increased the incidence outside it. The problem is that the culling of badgers disrupts their territorial behaviour, causing them to colonise areas where they were not previously present, and to rapidly recolonize the culled areas. Culling can therefore help some farmers but make things worse for others on the edge of the culling area.
8. In 2007, the Independent Science Group (ISG) set up by DEFRA published their final report on culling. Their conclusions were that '*while badgers are clearly a source of cattle TB, careful evaluation of our own and others' data indicates that badger culling can make no meaningful contribution to cattle TB control in Britain. Indeed, some policies under consideration are likely to make matters worse rather than better.*' In response, the Government's scientific advisor Sir David King published a report that recommended that '*large-scale badger culls in those areas most affected by bovine TB were the most effective way to control the disease*'. To find a way forward amidst these conflicting views, in 2008 the Environment, Food and Rural Affairs Select Committee carried out its own inquiry into the findings of both reports. Their conclusion was that '*it is possible that culling could make a contribution towards the reduction in incidence of cattle TB in hot spot areas. . . However, there is a significant risk that any patchy, disorganised or short-term culling could make matters worse.*'

For effective culling, they concluded that it should be done competently and efficiently, be co-ordinated, and cover as large an area as possible.

9. In 2013, a trial of culling by shooting took place in a large area of Somerset and Gloucestershire. The aim was to remove at least 70% of badgers over 6 weeks, in such a way that 95% of badgers died within 5 minutes of being shot. The Independent Expert Panel (IEP), set up to monitor effectiveness and humaneness of the trial, concluded that shooting alone or in combination with trapping did not deliver the culling target, and that more than 5% of badgers lived longer than 5 minutes after shooting, increasing the likelihood of suffering. There were many concerns about the gathering and monitoring of data and of the coordination and competency of some of the culling contractors. The Government has responded and accepted the majority of the IEP's findings, but is intending to continue with the trials in these areas.
10. Other Bovine TB control measures include restrictions on cattle movement, testing, slaughter of infected herds, biosecurity measures to reduce badger-cattle contact, and vaccination of badgers. The Welsh Assembly Government has a badger vaccination programme, and the Food and Environmental Research Agency (FERA), Gloucestershire Wildlife Trust, the RSPB, the Wildfowl and Wetlands Trust, the National Trust and other conservation organisations are all trialling vaccination of badgers by injection. It is too soon to know how effective this will be at reducing infection in cattle.
11. Incidents of Bovine TB have been recorded in Leicestershire (including on County farms), and it is present in neighbouring counties to the west, so there is a risk in the short or medium term of the disease spreading into our county. Leicestershire herds are currently on an annual TB testing regime to ensure early detection of any infected cattle.  
See <http://www.defra.gov.uk/ahvla-en/disease-control/bovine-tb/tb-testing-intervals-2014/> for the latest position on this.

### **Scientific Evidence**

12. The scientific evidence of successive independent panels (see references attached as Appendix A to this report) endorses the view that badger culling is ineffective, can make matters worse for some farmers, and can be inhumane.

### **Culling on Private Land**

13. 2011 DEFRA guidance to Natural England in respect of 'Licences to kill or take badgers for the purpose of preventing the spread of bovine TB under section 10(2)(a) of the Protection of Badgers Act 1992'<sup>1</sup> states in Section 9 i) that:-

"All land holders, unless the agreement states otherwise, must enter into agreements with Natural England under section 7 of the NERC Act (the "TB Management Agreement" requiring them to permit access to their land for culling (including by

<sup>1</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/69464/pb13692-bovinetb-guidance-ne.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69464/pb13692-bovinetb-guidance-ne.pdf)

Government) and to take appropriate biosecurity measures (as required in paragraph 9b), and agreeing that Government can recover any additional costs of culling.

Where land is tenanted, the freeholder owners (or landlords) must generally also sign an undertaking appended to this agreement agreeing to permit access to the land for culling (including by Government)..."

#### County Council Tenanted Farms and Country Parks

14. The County Council is the owner and landlord to a number of County Farms in Leicestershire, extending to over 7,000 acres and also manages many Country Parks and green spaces around the County.
15. The 2011 guidance set out in paragraph 13 above is suggestive that the County Council's consent is likely to be required, or at the least its views sort, should DEFRA extend pilot culls to Leicestershire, or indeed approve culls on a nationwide basis in the future.
16. However, with regard to tenanted County farms, there are no clauses in existing Tenancy Agreements whereby the County Council could compel Tenants not to allow culling to take place on their holdings. Current agreements refer to the Badgers Act 1992 (which afford badgers protection from hunting, baiting, etc), but the Act is effectively suspended in cull areas by order of Parliament.
17. In addition, by prohibiting culling the County Council could open itself up to claims relating to business losses incurred as a result of bTB incidents; as it is, it would be at the Tenants' risk, as the County Council would allow all reasonable, legal, measures to control the spread of and protect from disease on the holding.
18. In respect of the considerable land holdings within the County Council's ownership which are not tenanted (including but not limited to country parks) this would be a different matter, and in these cases it would be appropriate for the County Council to assess each "application" on a case by case basis, although it would not be considered desirable to enter in to any financial responsibility by permitting culling on or through County Council owner occupied land holdings.

#### Equal Opportunities Implications

19. None.

#### Conclusions

20. It is too early to say how effective local badger vaccination will be at controlling TB in cattle, but backed up by continuation of other national measures such as cattle movement restriction and biosecurity, it is the most promising line to pursue. There is no evidence that badgers are putting other wildlife at risk, or that control of badgers will be in the interests of wildlife conservation; they are an integral part of our national biodiversity.

21. It is considered appropriate for the County Council to consider such requests for culling on its country parks and other owned land on a case by case basis should DEFRA extend its pilot culls to Leicestershire and/or nationwide, taking into account the consideration of scientific evidence at that time, Government advice, views of local stakeholders.
22. However, it is to be noted that for County Farms, it would be the tenants' responsibility to consider requests for culling themselves, with support from the County Council as appropriate.

### **Recommendations**

23. It is recommended that the Scrutiny Commission:-
- a) Notes that the merits for and against badger culling as a means of reducing TB in cattle continue to be informed by expert scientific evidence and that any requests for culling on County Council owned land that may result in the future would be considered on a case by case basis;
  - b) That the views set out in the two e-petitions be forwarded to DEFRA as the overall 'responsible body' for this matter, for its consideration;

### **Resource Implications**

24. None.

### **Circulation under the Local Issues Alert Procedure**

25. None.

### **Officers to Contact:**

Lonek Wojtulicz  
Head of Planning and Historic and Natural Environment  
[Lonek.Wojtulewicz@leics.gov.uk](mailto:Lonek.Wojtulewicz@leics.gov.uk)  
0116 305 7040

Lis Carter  
Strategic Property Manager  
[elisabeth.carter@leics.gov.uk](mailto:elisabeth.carter@leics.gov.uk)  
0116 305 6926

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