

Cabinet

Date of Meeting: 14 January 2020

Report Title: Management of Bovine Tuberculosis on Council Land

Portfolio Holder: Councillor N Mannion - Environment and Regeneration

Senior Officer: Frank Jordan - Executive Director Place

1. Report Summary

- 1.1. The spread of Bovine Tuberculosis has a significant impact on cattle, wildlife and farming, which, in a rural borough such as Cheshire East, has the ability to affect those residents directly involved in farming and the whole community.
- 1.2. Because of the significant impacts, the Council recognises the need to address this issue and wishes to take a stance on the management of Bovine Tuberculosis in the rural environment.
- 1.3. This report sets out the steps that the Council plans to take.

2. Recommendations

- 2.1. That Cabinet:
 - 2.1.1. Recognises the impact of Bovine Tuberculosis on cattle, wildlife, and the farming community in the Borough.
 - 2.1.2. Endorses good bio-security in the rural environment to reduce the risk of transmission of Bovine Tuberculosis.
 - 2.1.3. Confirms that this Council will not support the culling of badgers on Council land and will seek to amend its new leases accordingly. Any essential variation of such a lease clause will be subject to a formal request in writing and subsequent consent.
 - 2.1.4. Endorses vaccination as an important part of any long-term approach to reducing the general prevalence of the disease, risk to cattle or wildlife and its impact in Cheshire East and resolves to support badger

vaccination programmes, particularly in those areas most at risk of the spread of Bovine Tuberculosis, and to commit in principle to support them financially with Council and other resources.

2.1.5. Notes the risks outlined in paragraph 6.6 of this report.

3. Reasons for Recommendations

- 3.1. Bovine Tuberculosis is an infectious disease of cattle. This disease can infect other mammals, including humans, deer, goats, pigs, cats, dogs and badgers. The disease can be spread directly through close contact or indirectly through environmental contamination. It is the opinion of the Animal and Plant Health Agency that badgers are the most significant weighted source of infection for incidents that started in 2018.
- 3.2. The Department for Agriculture Environment and Rural Affairs sets out a series of measures to reduce the risk of the disease, by taking appropriate bio security measures. These include, maintaining a closed herd, taking appropriate steps if cattle are purchased, minimising contact with badgers, deer and adjoining land owners cattle and minimising the contact of visitors and off farm equipment with the herd. Therefore, the Council endorses good bio security in the rural environment as one of the many tools to manage this disease.
- 3.3. The licenced culling of badgers is a lawful measure. It is a part of the Government's 25-year strategy for achieving Officially Bovine Tuberculosis Free status for the whole of England.
- 3.4. Cull licences are issued by Natural England and the decision to grant a licence for a specific area is based on scientific and veterinary evidence suggesting that culling will be of benefit in that particular area. It is open to landowners in those areas to participate or not.
- 3.5. However, the Council's view is that vaccination is an important part of any long-term approach to reducing the general prevalence of the disease, risk to cattle or wildlife and its impact in Cheshire East. It is recognised that vaccinating badgers is not the complete answer to eradicating this disease in cattle but is complementary when taken alongside other measures.
- 3.6. The Council currently uses a standard form of lease for its farm tenancies. The Council as an owner of land can choose to vary the terms of leases it offers in the future in any way it sees fit.
- 3.7. If the recommendations are approved, a suitable term will be included in the new leases the Council offers to reflect its position around the management of Bovine Tuberculosis and would require formal written consent for any essential variation to its position on culling of badgers on its land.

- 3.8. Consideration of formal requests in writing for a variation will be subject to the decision of the Portfolio Holder for Environment and Regeneration.
- 3.9. The Council recognises the very difficult choices that individual farmers have to make whilst seeking to address this disease. Where the Council has already granted a tenancy, it does not have the ability to vary the lease without the consent of the tenant, but the Council would encourage tenants to utilise the vaccination approach.

4. Other Options Considered

- 4.1. The Council could choose not to act. Cull licences are issued by Natural England and the decision to grant a licence for a specific area is based on scientific and veterinary evidence suggesting that culling will be of benefit in that particular area. It is open to landowners in those areas to participate or not.
- 4.2. The Council could support the legal culling of badgers and permit it on land under its direct control. This position would not be consistent with the Council's previously stated position on this matter. It would also not be consistent with its previous approach to adopt a vaccination approach on its own land.

5. Background

- 5.1. Badgers are a key part of the natural environment in their own right. Badgers are a protected species under the law, and it is illegal to harm a badger or interfere with its sett. Due to the link between badgers and the potential transmission of Bovine Tuberculosis to cattle, the Government can issue licences to control badgers in areas. The culling of badgers seeks to remove infected badgers from the environment and thereby reduce the transmission of the disease. The culling of badgers is managed through badger disease control licences. Vaccination and culling which rely on different approaches to control Bovine Tuberculosis in the badger population cannot take place on the same land.
- 5.2. Due to the complex nature of Bovine TB, its biology and epidemiology, it is expected, that the effect of interventions would be seen several years after their introduction. It is also difficult to assign success to any single intervention. As a result, it is most likely that success will be achieved by the combined impact of a wide range of measures, which are part of a national system as opposed to any one particular intervention in one geographic area. However, veterinary evidence is that culling forms part of a holistic approach to tackling the disease.
- 5.3. The Council has permitted vaccination under the Cheshire Badger Vaccination Programme on its land in support of this work. This programme plans to trap and vaccinate badgers over a four-year period. The programme

is operated by trained volunteers, who fund-raised to initiate the programme in 2019. Natural England manages vaccination programmes through licencing.

- 5.4. Natural England has recently paused the issuing of new vaccination licences or processing of further areas covered by an existing licence, in order to allow a review of procedures to take place on how best to manage the coexistence of vaccination projects and badger control projects. This does mean that further planned vaccination this year in more areas of land will be delayed, including some areas of Council land.

6. Implications of the Recommendations

6.1. Legal Implications

- 6.1.1. The Council has a statutory duty to take such steps as it considers appropriate for improving the health of the local population. (Health and Social Care Act 2012 (as amended))
- 6.1.2. The Council has a duty to work with local communities to help them comply with laws for the prevention the spread of animal disease and for protecting the welfare of animals. (Animal Health Act 1981 (as amended) The Council also has powers under the Animal Welfare Act 2006).
- 6.1.3. As a landlord, the Council imposes conditions upon which any tenancy is offered. The Council may choose to include provisions regarding participation in culling in new leases.

6.2. Finance Implications

- 6.2.1. There are costs associated with varying terms of existing leases. Given the Council wishes to make this change, it is entirely reasonable for the Council to carry these costs, should tenants wish to vary their leases. These would be legal and professional advice fees and would present an unbudgeted pressure on the farms estate budget.

6.3. Policy Implications

- 6.3.1. Currently the Council's position on management of Bovine Tuberculous in badgers is to decline to participate in a badger cull for land in its control and to support and engage with vaccination programmes. This paper will change the terms of leases that it offers for agricultural land.

6.4. Equality Implications

- 6.4.1. An equality impact assessment has been completed.

6.5. Human Resources Implications

- 6.5.1. None

6.6. Risk Management Implications

- 6.6.1. The Council may wish to review its position in the future as further information about the management of Bovine Tuberculosis comes forward in Cheshire East and Nationally. Should this be the case, a further report can be presented to Cabinet for its consideration.
- 6.6.2. The Council can choose the form of lease it issues for its tenants and choose to manage its land in the way it sees fit. However, the Council as a public body also has other responsibilities to the wider community, with reasonable expectations for involvement in the community on its decision making. The Council has not undertaken a consultation exercise on adopting this policy.
- 6.6.3. Should the Council wish to act in terms of enforcing terms in its leases, there is a risk that it may have to resort to legal proceedings. As with all legal proceedings the determination of these proceedings would be outside of the control of the Council.
- 6.6.4. The Council has duties relating to public and animal health. This approach limits the ability of the Council and its tenants to participate in a legal method to control disease on its land.

6.7. Rural Communities Implications

- 6.7.1. The Council recognises the need for effective control of Bovine Tuberculosis in order to reduce the impact on the agricultural community, the rural economy and the area's wildlife. The Council wishes to take a proactive step in the management of Bovine Tuberculosis in the rural environment.

6.8. Implications for Children & Young People/Cared for Children

- 6.8.1. None.

6.9. Public Health Implications

- 6.9.1. The Council has a statutory duty under the Animal Health Act to enforce legislation designed to prevent and control the spread of disease. Where a cull licence has been granted for a specific area, based on scientific and veterinary advice suggesting it is of benefit in controlling the spread of disease, the Council may be seen to be acting contrary to this duty in prohibiting participation in a cull on tenanted farms, should it choose not to agree to consent to participation in the cull.
- 6.9.2. If a reduction in the natural reservoir of *M. bovis* through vaccination of badgers led to a reduction in transmission between badgers and cattle this would benefit public health by reducing risk of transmission to humans but would also confer a benefit to the emotional health and wellbeing of the rural community by reducing loss of earnings due to Bovine Tuberculosis.

6.10. Climate Change Implications

6.10.1. There are no direct climate change implications.

7. Ward Members Affected

7.1. The Council's landholdings are spread across the borough and as a result all wards are affected.

8. Consultation & Engagement

8.1. As a landowner, there is no requirement for the Council to undertake consultation or engagement prior to taking this decision.

9. Access to Information

9.1. Further reading

Bovine Tuberculosis in England in 2018, APHA Sept 2019

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/844813/england-tb-epi-report-2018a.pdf

Contact Information

9.2. Any questions relating to this report should be directed to the following officer:

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