

Cheshire East Council

Cabinet

Date of Meeting:	12 th September 2017
Report of:	Executive Director Place
Subject/Title:	Notice of Motion - Badger Culling
Portfolio Holder:	Cllr Janet Clowes, Adult Social Care and Integration

1. Report Summary

- 1.1. A Notice of Motion was submitted at the Council meeting on 27th July 2017 and was referred to Cabinet for consideration. The purpose of this report is to provide Cabinet with information in order to consider its response to the notice of motion on 'Badger Culling', proposed by Councillor S Corcoran and Seconded by Councillor L Jeuda, that :

"This Council notes the failure of government policy to deal with bovine TB, notes the RSPB's position in opposing badger culling and promoting vaccination of badgers and resolves to oppose any culling of badgers on its land."

2. Recommendation

- 2.1. It is recommended that Cabinet
1. Note that the Council's current position is not to undertake culling on land under its direct control.
 2. Do not agree to the motion and agree that the Council cannot adopt the motion's wording as a statement of its policy because of the reasons outlined in this report.

3. Reasons for Recommendation

- 3.1. The RSPB position calls on Government to base its policy on cattle testing, biosecurity and the development and deployment of vaccines. The RSPB suggests that the culling of badgers is a high-risk, impractical, unsustainable approach to reducing bovine TB in cattle. The RSPB will

oppose access to its reserves for culling badgers but will, if part of a co-ordinated programme, allow access for badger vaccination.

- 3.2. In many parts of the Country, including Cheshire, badger vaccination programmes have been undertaken as an alternative to or adjunct to culling. Their effectiveness is also debated. Oral vaccination is not currently available preventing the mass vaccinations and the availability of vaccine is proving problematical. There are no legislative requirements on local authorities to carry out badger vaccinations or other proactive welfare measures. There have been vaccinations undertaken in Cheshire, including on Cheshire East Council land. The Council has also sought to manage land under its direct control with a high level of bio-security. For example, the Bollin Valley longhorn cattle herd has been used as an exemplar in this regard. However, even this herd has been subject to controls on a number of occasions following positive testing. Other trial approaches nationally include development of programmes to breed cattle with TB resistance and a Test, Vaccinate Remove (TVR) 5-year trial in Northern Ireland.
- 3.3. Advice from the Chief Veterinary Officer on the outcome of the 2016 culls indicated that industry-led culling can deliver the level of effectiveness required to be confident of achieving disease control benefits. However, it was acknowledged that continued action is needed to provide confidence in the effectiveness of any future culls and that any success achieved in the original control areas must be reproduced for at least the next three years.
- 3.4. There are areas of Cheshire East where Bovine TB is endemic, and known to be in wildlife as well as cattle. The impact of the disease on members of the farming community has been devastating in some areas, with herds unable to be cleared of the disease despite culling of many cattle in those herds over a period of years in some instances. There have been instances of cattle in closed herds (ie where no cattle come onto the farm from anywhere else) going down with Bovine TB and in those instances the likelihood is that the disease has come from wildlife. It is highly likely that any culling will take place in the areas where Bovine TB is endemic in wildlife. Vaccination remains appropriate in relation to low incidence areas/uninfected badgers, but realistically, on its own, it is unlikely to provide a solution to the problem.
- 3.5. The occurrence and distribution of cases in 2016 in Cheshire followed much the same pattern as 2015 with few notable changes, except for the occurrence of some explosive breakdowns in the north close to Manchester Airport with circumstantial evidence of substantial badger activity as a contributing factor. The final source attributed to each resolved fully confirmed case at the end of June 2016 shows that 40% were most likely attributed to exposure to infected wildlife indirectly through contamination of feed or during the housing or grazing period through environmental contamination. 40% were most likely attributed to purchase and 20% were classed as obscure due to the fact that no genotyping was completed for these cases. This compared with the provisional source

assessment for the 30 fully confirmed (OTFW) cases in this period of 47% attributed to wildlife, 27% to purchase, 10% to residual infection and others to multiple or obscure pathways.

- 3.6. Increased cattle controls have been effective and are expected to continue to enable earlier detection of disease and reduce overall reactor numbers over time using a combination of frequent skin testing and gamma sampling. However, it is expected that this effect will continue to plateau unless there is also a reduction in the heavy infection challenge from infected badgers in some areas using legally available wildlife measures. It is understood that the first few months of 2017 have seen a disappointing increase in the number of Bovine TB breakdowns in both the High Risk Area and Edge of Cheshire compared to the same period in 2016.
- 3.7. With regard to its own holdings, the Council has two broad categories of land that may be affected by this proposed resolution. Namely the Farms Estate and its parks and open spaces.
- 3.8. Dealing with Parks and Open Spaces first, the Council typically owns and occupies this land and within the normal constraints imposed on any owner of this type of land can exert its control on this land in any way it sees fit. There are practical reasons why dealing with wildlife in this way would not be appropriate as an owner of land, principally one of public safety, although there may also be other operational reasons why this would be the case.
- 3.9. The Council also leases land it occupies – the lease will be an important document in understanding what the Council can and cannot do on this category of land. However it should be assumed that a lease may be silent on this specific subject.
- 3.10. The Farms Estate is a far more nuanced position. The tenure model the Council uses has changed over a number of years – principally historic agreements give the occupiers of these farms a considerable amount of control and the Council would not be able to impose its will on the occupier of the land without explicit agreement with them. Although the Council has moved to a different approach regarding tenancies which better fit its operational requirements and needs for delivery of the objectives of the Council's farms estate, these historic agreements will remain a feature of the Estate for a number of years. Currently the Council lets vacant land on modern terms and on a fixed period, which is similar to the length of time a culling area would be maintained.
- 3.11. Should an occupier of Council land want to be involved in a programme, they may not be able to sign up for the whole term of the control period. Similarly the Council would have difficulty agreeing to the control period as it would typically not seek to impose a condition on the future occupier of the land, which may have a different view on the position. Any period of

tenure must have at least another 4 years to run in order to comply with Natural England requirements for a license.

- 3.12. As a local authority, Cheshire East has a statutory duty under the Animal Health Act to enforce legislation implemented to prevent and control the spread of disease. Whilst any licence that may be granted in relation to culling is clearly not 'legislation' in those terms, it does indicate that Government considers the cull necessary in those areas as a disease control measure. Once a licence is granted the cull becomes a lawful activity.
- 3.13. The council is aware of the significant problem that Bovine TB has caused for farmers in Cheshire, for the rural economy and for the area's wildlife and supports the need to effectively control its impact. It works closely with government agencies and other parties to understand the issues. The council is also aware of control measures that could be introduced in Cheshire within the scope of national policies and practice.
- 3.14. The council notes government policy and recognises the need to effectively control Bovine TB in order to reduce the impact on the agricultural community, the rural economy and the area's wildlife. The council will enforce legislation to prevent and control the spread of disease as part of its statutory duty under the Animal Health Act. The council supports and advocates good on-farm bio-security. However, the council will not engage in the culling of badgers on land under its direct control.

4. Other Options Considered

- 4.1. The Council cannot act illegally and therefore some options can immediately be discounted.
- 4.2. The Council as a land owner could look to actively promote or prevent culling, or undertake other measures on all its land. However due to the issues set out above this approach would have very limited impact and will not succeed in the fundamental aim of all parties in the eradication of Bovine TB in Cheshire. It is essential that the Council carefully considers any response in concert with adjoining owners whilst also managing the other risks and issues that the Council is mandated to manage, not only as a responsible land owner, but also as a local authority.

5. Background

- 5.1. There has been an overall long-term upward trend in the incidence of TB in cattle herds in England and Wales since 1996 (when the Government statistics begin), although there is evidence that the rate of new incidents is levelling off in most areas of the country. The Government has committed to implementing a 25-year strategy to eradicate bovine tuberculosis in England. The strategy was published in 2014 and includes tighter cattle measures, vaccination and badger culling.

- 5.2. As part of the governments drive to eradicate Bovine TB badger culls were sanctioned as a valid control measure. During 2013 and 2014 a number of prescribed periods for badger culling took place; this work is licensed by Natural England. The areas involved in this work were West Somerset and West Gloucestershire.
- 5.3. During 2015 Natural England authorised the badger culls to continue for a third year in Somerset and Gloucestershire and also issued a four year licence to allow badger culling to take place in Dorset.
- 5.4. In 2016 additional areas including Hertfordshire, Gloucestershire, Cornwall, Devon and Dorset all undertook badger culls. All ten areas achieved a cull total of 11,000 badgers for the 2016 period. A Consortium has been established in Cheshire and is believed to have, received training for cage trap killing of badgers and surveying setts and is awaiting a licence to proceed. The Animal Plant Health Authority (APHA) has advised that the North Region (including Cheshire) has 10 applications for culling to consider and in all likelihood all 10 areas will be granted permission to proceed. There are likely to be further applications including applications from within Cheshire.

6. Wards Affected and Local Ward Members

- 6.1. All

7. Implications of Recommendation

7.1. Policy Implications

- 7.1.1. The Council as a land owner is not able to enforce a blanket policy (what ever this may be) on all its land for a variety of reasons.
- 7.1.2. The Council as a local government body in applying its policies has a duty to follow guidance and direction set out by central government.
- 7.1.3. The Council can and does look to work with other land owners to find a solution to this difficult problem.

7.2. Legal Implications

- 7.2.1. There are no direct legal implications save for those which are contained in the main body of the report

7.3. Financial Implications

- 7.3.1. None

7.4. Equality Implications

7.4.1. None

7.5. Rural Community Implications

7.5.1. Bovine TB is a significant issue for farmers in Cheshire, for the rural economy and for the area's wildlife.

7.6. Human Resources Implications

7.6.1. None

7.7. Health and Wellbeing Implications

7.7.1. TB in cattle is caused by the bacterium *Mycobacterium bovis* (M. bovis). Transmission of M. bovis can occur between animals and from animals to humans. However, the risk of infection for the general public remains very low in industrialised countries with long-standing bovine TB control programmes and where pasteurisation of cows' milk is either mandatory or commonly practised.

7.8. Implications for Children and Young People

7.8.1. None

7.9. Overview and Scrutiny Committee Implications

7.9.1. None

7.10. Other Implications (Please Specify)

7.10.1. None

8. Risk Management

8.1. Bovine TB has caused significant problems for farmers in Cheshire, for the rural economy and for the area's wildlife. This increases risk for a number of council outcomes related to economy, environment, communities and health.

9. Access to Information

- 9.1. <http://www.tbhub.co.uk/tb-policy/england/>
- 9.2. Department for Environment, Food and Rural Affairs
Bovine TB: Chief Veterinary Officer's advice on the outcome of the 2016 badger culls

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/578356/cvo-advice-2016-cull.pdf
- 9.3. Department for Environment, Food and Rural Affairs

Mid-year (first six months) Descriptive Epidemiology Report: Bovine TB Epidemic in the England Edge Area:, Animal and Plant Health Authority 2016.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/569578/cheshire-edge-2016-mid.pdf

10. Contact Information

Contact details for this report are as follows:

Name:	Brendan Flanagan
Designation:	Rural & Cultural Economy
Tel. No.:	01625 374415
Email:	brendan.flanagan@cheshireeast.gov.uk