

Report of Head of Planning and Local Development

PETITION AGAINST BADGER CULLING IN WELLINGBOROUGH

1 Purpose of report

A petition was presented to full council on 9 December 2014 for debate and consideration in line with the council's petition scheme. Full council referred this matter to Services Committee for further consideration.

2 Executive summary

- 2.1 The council received a petition containing 1,584 signatures (of which 37 are online and 1,547 are in writing) against the proposed badger culling being proposed by the Department for Environment Food and Rural Affairs (DEFRA).
- 2.2 This is over the 1,510 signatures or more that, according to the council's petition scheme, are needed to trigger a debate at the full council. The process is for the petition organiser is to present the petition to council and for councillors to debate it for a maximum of 15 minutes before deciding how to proceed.
- 2.3 The organiser of the petition presented it to full council on 9 December 2014 where it was referred to Services Committee for further consideration.

3 Appendices

None

4 Proposed action:

- 4.2 Members consider the petition received and RESOLVE that officers monitor the situation and report back if there are any material changes to the risks in the area.**

5 Background

- 5.1 The council operates a petition scheme, which sets out what the public can expect when submitting a petition.
- 5.2 According to this scheme, petitions with a significant level of support will trigger a debate of the full council.

- 5.3 The debate may be added to the agenda of a normal meeting of the full council where the council will endeavour to consider the petition at its next meeting.
- 5.4 The scheme states that the debate should conclude with a decision being taken by the full council. This could be a decision to take the action the petition requests, that is to say 'to ensure that the badger population is as safe as possible from slaughter ...'; not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee.
- 5.5 The scheme provides that the petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by the council for a maximum of 15 minutes before a decision is taken on the response.
- 5.6 At full council on 9 December the petition was presented and councillors referred the matter for further consideration by Services Committee.

6 Discussion

- 6.1 The council has received a petition to 'save Wellingborough council's badgers from culling'. This is part of Operation Badger, which is a national campaign that aims to 'create a national network of petitions across England'.
- 6.2 We are aware that similar petitions have been put forward to other councils up and down the country and in some instances led to a 'no cull statement'.
- 6.3 The lead petitioner and petition are concerned about the Department for Environment Food and Rural Affairs (DEFRA's) approach to culling and are asking the council to clarify its position.
- 6.4 DEFRA do not share the views of the petition and have published the information on their website about controlling bovine tuberculosis in badgers at <https://www.gov.uk/government/organisations/department-for-environment-food-rural-affairs>
- 6.4 The council currently owns 164.37 acres of agricultural land within the borough, which is arable farming land and therefore does not have cattle on it.
- 6.5 The council has not been asked to cull and is not aware that this is currently an issue as it is in a low risk area. It is recommended that officers monitor the situation and report back to the appropriate committee if this changes.

6 Legal implication

- 6.1 There are no immediate legal implications beyond the need to consider the petition set out elsewhere in this report. If members decide to take the action the petition requests they will need to decide what can be done to 'ensure the badger population is as safe as possible from slaughter ...'. They may feel that

that requires detailed consideration. That is particularly the case because the law is such that a simple prohibition of badger culling on the land owned by the Borough Council is unlikely to be effective for two reasons:

1. There are extensive powers under section 21 of the Animal Health Act 1981 and other legislation for the government to arrange for persons appropriately authorised to enter land and take action for the protection of animal and human health irrespective of any prohibition by a land owner. Those powers are separate from the authorisation to cull badgers as a protected species under which culls operate where the land owner consents.
2. Entering land without consent in these circumstances would not be a crime. The only action that could be taken to prevent it would be for a court injunction for trespass when there was adequate evidence that a forbidden cull on council land was about to take place. There is no certainty that such an injunction would be granted.

7 Other implications

There are no other implications for this report.

8 Author and contact officer

Julie Thomas, Head of Planning and Local Development

9 Consultees

John Campbell, Chief Executive
Bridget Lawrence, Head of Resources
Liz Elliott, Head of Finance
Geoff Hollands, Principal Solicitors, District Law
Victoria Phillipson, Principal Planning Policy and Regeneration Manager
Paula Whitworth, Communications Officer
Paul Burnett, Principal Property and Facilities Manager
David Haynes, Principal Environmental Protection Officer

10 Background papers

- 10.1 Petition against the proposed badger culling being proposed by the Department for Environment Food and Rural Affairs (DEFRA).
- 10.2 Operation Badger information on other councils' position on culling as of 25 July 2014.

