

BADGER CULL TASK GROUP

1 INTRODUCTION

1.1 A motion was agreed at the full Council meeting on 22 January 2014:

To establish the social and economic impact of the cull on Gloucestershire and to identify lessons that should be learnt, this Council resolves to create a Badger Cull Task Group that will invite evidence from individuals, communities, the Police and other groups affected by the cull in order to compile a report that will be presented to full Council and the Secretary of State for Environment, Food and Rural Affairs.

1.2 At the outset of the review, the Overview and Scrutiny Management Committee agreed that the review would not consider the reasons why the Government decided to undertake a pilot cull in Gloucestershire and it would not engage in the scientific debate surrounding the cull.

1.3 The badger cull should not impact adversely on the lifestyle of local residents, allowing them to continue to live, work and feel safe in their own homes. Gloucestershire County Council does not have a direct involvement in the cull, but it does have a community leadership role in ensuring that it responds to the concerns of local residents.

2 TASK GROUP

2.1 Membership of the task group

2.1.1 Councillors Robert Bird, Colin Guyton, Paul McMahon, Brian Oosthuysen, Shaun Parsons, Klara Sudbury, Simon Wheeler and Roger Wilson.

2.1.2 Councillor Paul McMahon, who had proposed the original motion at Council, was appointed chairman of the task group at the first meeting.

2.1.3 The following councillors declared personal interests:

Councillor Paul McMahon – The Ramblers

Councillor Shaun Parsons – Countryside Alliance

Councillor Klara Sudbury – The Badger Trust

Councillor Simon Wheeler – The Ramblers

Councillor Roger Wilson – Countryside Alliance and Gloucestershire Wildlife Trust

2.2 Who did the task group speak to?

The task group met on five occasions from April through to June 2014 and heard evidence from a variety of individuals and organisations including:

- County Council Public Rights of Way and Highways
- County Council Asset Management and Property Services
- Gloucestershire Against Badger Shooting (GABS)
- Wounded Badger Patrol
- Gloucestershire Wildlife Trust
- National Farmers Union (NFU)
- Parish councils
- Forest of Dean District Council
- Tewkesbury Borough Council
- Natural England
- Local elected members
- Forest of Dean Federation of Small Businesses
- Police and Crime Commissioner
- Chief Constable, Gloucestershire Constabulary
- Avon and Somerset Constabulary
- Police liaison for the anti-cull community
- Village Agent
- Local farmers

A representative from the Department for Environment, Food, and Rural Affairs (Defra) attended one of the meetings as an observer.

Members understood that they would be unable to meet personally with all the individuals and organisations who may have wished to contribute to the review, so they provided a facility on the Gloucestershire County Council website to allow submissions in writing. The public were asked how they felt they had been impacted socially by the cull, whether they had examples of economic impact, and if they had anything further to add. The information received has been taken into account in compiling this report.

The task group would like to thank all those individuals and organisations who spoke so openly on the subject, both in the one to one meetings and through written submissions.

3 KEY EVENTS

Members were informed of the actions leading to the trial badger cull and key events:

- There was concern around the impact of increased instances of Bovine TB

- There was Government concern that badgers that had become infected with Bovine TB were transmitting the disease to cattle.
- Licenses to cull badgers under the protection of Badgers Act 1992 were available from Natural England in two zones within Gloucestershire and Somerset.
- The purpose of the trial culls was to test whether controlled shooting was safe, effective and humane.
- A license was issued to Gloscon, a company formed to undertake the cull in Gloucestershire.
- In late Summer 2013, a full culling programme began in the two areas for an initial six weeks, but this was extended after failing to meet the 70% culling target.
- There was criticism of the cull from various parties around whether it was the answer to solve the issue of Bovine TB, as well as social and economic concerns. There have been protests in and around the cull area by various individuals and groups.
- An injunction was taken out by the NFU and those involved in the administration and operation of the badger cull pilot scheme. This was against specific groups and individuals, as well as any persons participating in unlawful activity designed to harass farmers, landowners and occupiers.

4 LOCAL IMPACT

4.1 Economic

- 4.1.1 The task group has received no evidence to suggest that there has been any significant impact on the economy in Gloucestershire. If there has been an effect, it is likely to have been very localised.
- 4.1.2 Comments were made that due to the attention brought to Gloucestershire there would be a detrimental effect on tourism. No evidence has been presented to support this.
- 4.1.3 There is, of course, a financial impact to public bodies, such as local authorities, that is not easily quantifiable. The task group believes that there should be consideration of these financial costs so that other public bodies can be reimbursed for their activities during the cull period.

Recommendation – Defra to take into account the financial impact on other public bodies and reimburse them accordingly.

4.2 Social

- 4.2.1 Members understand that there was not a wide impact across Gloucestershire, but that there was a very significant impact in small pockets of communities.
- 4.2.2 A picture emerged of communities caught in the middle of the tension that had grown between those carrying out the cull, farmers, their families, protestors, individuals alleged to have acted unlawfully, and the Police.
- 4.2.3 All individuals have the right to go about their business in a lawful manner and the task group recognise that there is a legal right to protest. However, allegations have been made that some individuals took things to a more extreme level (on all sides).
- 4.2.4 It is the impact on the affected communities which must be considered. Members understand that in some communities there was a sense of fear and a perception of intimidation. Residents felt isolated living in a rural area and were not used to the level of activity that they were experiencing outside their homes. Some people suggested that there was the emotional worry of individuals with guns in nearby fields and hearing gun shots throughout the night. Others indicated that protestor activity around their property was a cause for concern, with the shining of torches into homes, blocking of driveways, the use of hedges as toilets, noise nuisance and the following of vehicles. Residents had not invited this activity on to their doorsteps, and it is critical that steps are taken to mitigate the impact on them in future.
- 4.2.5 With regards to those individuals who were out in the cull zone at night, members heard evidence of the anti-cull community feeling intimidated by supporters of the cull and cull operators, with incidents reported to the Police. Those involved in the cull, including farmers and landowners, suggested that they felt intimidated by protestors and had reported concerns to the Police.
- 4.2.6 A perception of incidents not being followed up by the Police was also expressed as a concern by all sides. Increased Police presence in rural areas heightened fear amongst residents who were not used to seeing significant numbers of Police officers in their area. The anti-cull community were concerned that there had been an excessive use of 'stop and search' powers with one person stating that they had been stopped six times in one evening.

5 LESSONS LEARNT

5.1 Roles and responsibilities

5.1.1 The task group has found that there has been a significant failing to define the role and responsibilities of public bodies. Without clarity around where responsibility sits, the planning and coordination of the cull and the ability to respond to issues has been severely compromised.

5.1.2 The task group sought clarification around who had overall responsibility for the cull. Members understand that the policy around the eradication of Bovine TB came from Government and that Natural England issued the licences to Gloscon based on guidelines from Defra. Natural England has the power to revoke licenses if conditions are breached, but can only do so with timely notification and appropriate evidence. A license is issued for a specified time period, but it is up to Gloscon to determine the start date of the cull. Without a single body taking a strategic lead, there are clear gaps in accountability which must be addressed.

Recommendation - There should be a single body providing strategic leadership which takes overall ownership and responsibility for the cull. Members believe that Defra should provide that leadership, but this should in no way compromise the independence and impartiality of the Police in upholding the law.

5.1.3 It became evident from discussion with all parties that a lack of information around the start date of the cull and the roles of various organisations had not helped in diffusing tensions or allaying the concerns of local communities. The start date of the cull and specific details on where it was being carried out was not made available to the public, or to public agencies. There were security reasons for doing this and that is understandable to an extent, but this prevented appropriate planning to address issues on the ground. In addition, this level of secrecy led to protest activity in a wider area long before any culling had taken place, resulting in added Police activity and significantly increased costs.

Recommendation – Defra to ensure clear lines of communication with all relevant public agencies informing them of the timing and the area of the cull (once known) to allow for planning and preparation.

5.1.4 All parties were uncomfortable with the level of secrecy, particularly when detailed information was easily accessible about the cull on websites. It is important that future cull activity does not operate with this level of secrecy.

5.1.5 Greater transparency regarding the time period for culling does have the potential for encouraging protestors at set dates and times, but it should be recognised that there is a right to protest in a lawful manner. Police resources can be dedicated to ensuring that the law is upheld at these set dates and times.

Recommendation – Defra to ensure that arrangements are in place to make the public aware of the start and end date of the cull as early as practicable.

- 5.1.6 Misunderstanding and miscommunication are to an extent responsible for the mistrust between protesters, farmers and the Police. One such area where clarity is needed is regarding the injunction taken out by the NFU. There was confusion over the level to which the injunction could be enforced and there remain differing views on this. This is not an area that the task group has examined in detail because of the legal expertise required to make any valid judgement. The task group understands that the NFU are revising the injunction and it is the responsibility of relevant organisations to understand its content and potential implications.
- 5.1.7 It is not the role of the Police to help in drafting the injunction, but their advice should be sought on the practical implications of enforcing it.

Recommendation – The NFU to seek the views of Gloucestershire Constabulary on the balance and practicality of the injunction.

- 5.1.8 There needs to be enforcement of licensing conditions against any cull operators who do not meet the required standards. Clarity is required around the lines of accountability so that concerns expressed regarding the action of cull operators are handled appropriately.

Recommendation – Natural England to make clear how licence conditions will be enforced and clarify the sanctions that are available against any cull operators who fail to meet the required standard.

5.2 Multi-agency working

- 5.2.1 The Government and local agencies had not given sufficient consideration to the disruption that would be caused by the cull and the difficulties that would be encountered.
- 5.2.2 Neighbourhood policing is a critical element in reassuring local communities. However, reducing the impact on communities is not a task that any one organisation can achieve alone; it requires the cooperative working of a number of public sector organisations. More formalised arrangements for multi-agency working need to be in place to help coordinate this activity. The task group welcomes the steps already being taken by Gloucestershire Constabulary to bring partner agencies together. The multi-agency group should include a representative from the NFU and the anti-cull community.

Recommendation - Public agencies should meet on a regular basis to share information through a 'multi-agency group' and ensure timely action is taken to protect and support communities in the cull area.

- 5.2.3 There needs to be clarity on who vulnerable people can contact and appropriate support arrangements should be put in place. It is vital that multi-agency

discussions take this into account and incorporate a programme of support into their planning.

- 5.2.4 There is a role here for neighbourhood policing, parish and district councils, and village agents liaising with partners and sharing knowledge of communities where vulnerable people are living.

Recommendations –

- a) To ensure that there is a programme of support for vulnerable people so that they know what to do and who to contact, should there be an incident that causes them concern.
- b) To request that relevant parish and district councils, and village agents are included in the multi-agency group.

- 5.2.5 It is important to clarify that when people are frightened due to incidents escalating in their areas they should call '999' as they would do in any other emergency.

- 5.2.6 With relationships in communities potentially being damaged by suspicion and mistrust it is important that public agencies share information with communities. A sensitive approach is required to ensure that activity does not exacerbate the situation or lead to fear mongering amongst local residents. In terms of communicating to the public, parish councils are a way to ensure that communities are well briefed on 'who does what'. In addition, they are a source of vital information on communities and the local landscape.

Recommendation – The multi-agency group to ensure that clear lines of communication are in place with parish councils and the public in advance of the cull so that they know who to contact when issues arise.

- 5.2.7 The provision of facilities for those individuals who are active during the cull period, such as toilets or parking, may be one option in preventing events escalating. The Police should discuss with parish councils and partners what parking facilities could be made available at short notice. The task group would not advocate publishing parking locations in rural areas, but the Police should be in a position to direct protestors towards particular locations.

Recommendation – Gloucestershire Constabulary to work with parish councils, other public bodies and landowners in making parking facilities available at short notice.

- 5.2.8 It has been suggested that in some areas public rights of way were not clear or well signposted and that this accounted for protestors deviating from footpaths. Public rights of way (PROW) in the trial cull area should be inspected on a regular basis and provide additional signage to be erected and displayed by landowners. It is the landowners' responsibility to clearly mark their paths, but signs are required

to assist landowners to prevent trespassing and to help Police officers to direct people back on to paths.

Recommendations – Gloucestershire County Council to inspect all public rights of way in the cull area on a regular basis and provide additional signage to be erected and displayed by landowners.

5.2.9 The task group does not believe that closing roads or footpaths for a temporary period is an appropriate way forward. This would be a time consuming legal process that could result in legal challenge and would be unlikely to achieve positive outcomes. Members recognise that individuals can make applications for footpath diversions through the normal statutory process. The task group was made aware that there can be difficulties with diversions in that protestors use mobile phone apps and GPS to pinpoint their location on public rights of way and any diversions can lead to confusion.

5.3 Approach to Policing

5.3.1 The Police, through mutual aid arrangements, handled the cull in the same manner as any other major event as part of the strategic policing requirement. The figure of £2.4 million for the policing costs of the trial cull in Gloucestershire has been well documented. The Government has indicated that the full cost of additional policing activity in 2013 will be reimbursed. It is important that this remains the position in 2014, 2015 and 2016 should the trial cull continue over this period. The Home Office should reimburse the costs in a timely manner and avoid any delay.

Recommendation – The Home Office to ensure that Gloucestershire Constabulary is reimbursed for the cost of additional policing activity.

5.3.2 The task group recognises that the Police were in a difficult position with regards to the cull, with pressure being applied by all sides. The role of the Police was not to police the cull or enforce Government policy but to uphold the law impartially. The Police are clear that they must maintain their independence and impartiality.

5.3.3 The Police had planned for the initial six week period of the cull. Extending the cull at short notice further stretched Police resources and resulted in more officers being used from other force areas.

5.3.4 Whilst recognising that the Police must remain impartial and independent at all times, it is important that Gloucestershire Constabulary is proactive in working jointly and constructively with Defra.

5.3.5 Policing costs in Gloucestershire were higher than in Somerset. Members understand that Gloucestershire is very different to Somerset in terms of its ease of access, its topography and the availability of mobile communications. Whilst

recognising these differences, there may be lessons that can be learned from the approach to policing taken in Somerset.

Recommendation – Gloucestershire Constabulary and Avon & Somerset Constabulary to continue to share lessons learnt and areas of good practice.

- 5.3.6 As discussed previously, Police officers were used from other forces as part of the mutual aid arrangements. Anecdotal evidence was provided that suggested that the approach taken by Gloucestershire officers to all parties within the cull zone was more sensitive than the approach taken by colleagues from other forces. Much of this is perhaps due to a lack of understanding of the local issues as well as unfamiliarity with the landscape. While members recognise that officers from outside the county had been briefed, it is felt that if officers who are likely to be used during the cull are briefed further in advance, then the benefits would be seen on the ground.

Recommendation – Gloucestershire Constabulary to ensure that any Police officers brought into the county are fully briefed ahead of the cull period so that they are aware of local issues and sensitivities, including the geography of the area.

- 5.3.7 There was concern that the Police had not taken incidents seriously, made arrests or prosecuted offenders. The Police are clear that action will be taken where there is evidence to support allegations that an offence has been committed. The criminal justice system does not support anonymity and people need to come forward and provide statements to support arrests being made. Where appropriate, the Police have looked for other solutions in providing a proportionate response to incidents. This approach needs to be communicated to the public with timely feedback provided on the way in which incidents have been handled.

Recommendation – Gloucestershire Constabulary to provide timely feedback on the progression of incidents to the public explaining the reasons why a decision has been taken.

- 5.3.8 Neighbourhood policing in reassuring local communities is critically important. Every effort should be made to maintain a visible presence in the daytime ahead of night time operations around the cull. Making people aware of increased activity through the night would help in allaying the concerns of local communities.
- 5.3.9 Concerns were expressed around the frequency of 'stop and search'. It is a difficult balance between ensuring that individuals do not feel targeted and victimised, and recognising that it is a legitimate part of crime prevention.

6 SUMMARY

- 6.1 It is important to reiterate that this report is not intended to cover the pros and cons of the badger cull. This debate has been considered elsewhere at length and has been the subject of an independent report to the Government. The task group has looked at the impact on communities in Gloucestershire and made suggestions on the learning points that need to be taken forward to reduce the impact of any future cull.
- 6.2 The task group has made a series of recommendations to public bodies setting out a number of simple actions which, if acted upon quickly, will do much to address the concerns of local people.
- 6.3 The recommendations have received cross-party support from the membership of the task group. The recommendations are listed again here for ease of reference.

Secretary of State for Department of Environment, Food and Rural Affairs (Defra)

- There should be a single body providing strategic leadership which takes overall ownership and responsibility for the cull. Members believe that Defra should provide that leadership, but this should in no way compromise the independence and impartiality of the Police in upholding the law.
- To ensure clear lines of communication with all relevant public agencies informing them of the timing and the area of the cull (once known) to allow for planning and preparation.
- To ensure that arrangements are in place to make the public aware of the start and end date of the cull as early as practicable.
- To take into account the financial impact on other public bodies and reimburse them accordingly.

Home Office

- To ensure that Gloucestershire Constabulary is reimbursed for the cost of additional policing activity.

Natural England

- To make clear how licence conditions will be enforced and clarify the sanctions that are available against any cull operators who fail to meet the required standard.

National Farmers' Union (NFU)

- To seek the views of Gloucestershire Constabulary on the balance and practicality of the injunction.

Multi-agency working

- Public agencies should meet on a regular basis to share information through a 'multi-agency group' and ensure timely action is taken to protect and support communities in the cull area.
- To ensure that there is a programme of support for vulnerable people so that they know what to do and who to contact, should there be an incident that causes them concern.
- To request that relevant parish and district councils, and village agents are included in the multi-agency group.
- To ensure that clear lines of communication are in place with parish councils and the public in advance of the cull so that they know who to contact when issues arise.

Gloucestershire Constabulary

- Gloucestershire Constabulary and Avon & Somerset Constabulary to continue to share lessons learnt and areas of good practice.
- To ensure that any Police officers brought into the county are fully briefed ahead of the cull period so that they are aware of local issues and sensitivities, including the geography of the area.
- To provide timely feedback on the progression of incidents to the public explaining the reasons why a decision has been taken.

- To work with parish councils, other public bodies and landowners in making parking facilities available at short notice.

Gloucestershire County Council

- To inspect all public rights of way in the cull area on a regular basis and provide additional signage to be erected and displayed by landowners.

Cllr Paul McMahon

Chairman of the Badger Cull Task Group