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**Environment Scrutiny Committee – 5<sup>th</sup> September 2012**

**Joint Report of the Director of the Urban Environment and the Director of Adult, Community and Housing Services - Badgers**

**Purpose of Report**

1. To advise members of the Committee of the duties and responsibility of the Council with regard to Badgers and the law.
2. To advise members on how Officers are able to provide support to communities in relation to Badgers.

**Background**

3. Badgers are a protected species by law under the Protection of Badgers Act 1992. It must be made clear that the Council has no jurisdiction in relation to badgers. Recognising the issues surrounding Badgers within the urban area, there are a number of officers within directorates of the Council who can offer support and advice to the community in relation to this issue. Officers often act in a facilitating and sign- posting capacity to aid individuals and the wider communities in the Borough.
4. In the event of Badgers being present on Council owned land the Local Authorities role is that of any landowner who has land affected by badger presence and activity. The Council, like any other landowner or affected party, must apply to Natural England, (the Government Agency appointed to administer such issues) for a licence if they wish to disturb the habitat of the badgers.
5. The Council has responsibilities as a landlord where Badgers are present in the vicinity of Council Homes and has a duty of care for its tenants. The Council has a duty to ensure the maintenance and safety works are carried out and any defects are remedied in the event of disturbance by badgers.
6. The Council will take action to communicate and support the affected communities by providing regular updates as to the action taken and support liason between the community and Natural England. Officers will work closely with ward members throughout.
7. In fulfilling its role in this capacity, in any instance where badgers are present on Council land, the Council may need to commission an expert independent report to be undertaken to determine the extent of the matter. The locality and extent of the issue and the options available to the Council are determined and presented within the independent report which will be duly considered.
8. Following receipt of the expert independent report the Council will meet as required with Natural England to seek advice and guidance on any appropriate and recommended courses of action, ensuring that the right level of evidence and legal safeguards are in place. In some cases it may be appropriate to gain the

appropriate licences from Natural England to move Badgers and/or to interfere with their habitats. All these actions must be undertaken by suitably qualified persons.

9. Where there are badgers present on private land the Council has no jurisdiction to act, however they will, if requested, facilitate discussions between Natural England and the private individual/s to enable the legal processes to be undertaken by the landowner.
10. Members and residents also have available information provided through the Dudley MBC website where there are links to the Natural England website where guidance is provided together with legal responsibilities in relation to badgers. This ensures the guidance is current.

### **Finance**

11. The cost of addressing issues relating to badgers on Council land would need to be met from within existing Council resources. There are no specific budgets set aside for such issues. The cost in relation to private property remains with the owners of the land.

### **Law**

12. Badgers are a protected species by law under the Protection of Badgers Act 1992. The Council has no regulatory jurisdiction in relation to badgers.

### **Equality Impact**

13. The Council is undertaking its duties in relation to being a landowner within its own jurisdiction and within the provisions of the Protection of Badgers Act 1992. In exercising those duties the Council has due consideration for any matters raised on all sectors of the community.

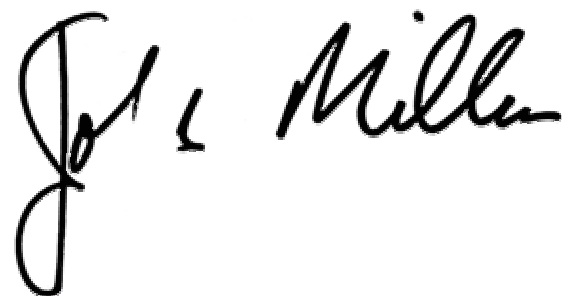
### **Recommendation**

14. It is recommended that the Scrutiny Committee note the content of the report.



**Andrea Pope Smith**

**Director of Adult, Community and Housing Services**



**John Millar**

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**List of Background Papers**