



Department
for Environment
Food & Rural Affairs

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Our ref: RFI 6671
Date: 18th July 2014

Dear [REDACTED]

REQUEST FOR INFORMATION: Defra's badger control policy

Thank you for your requests for information about various topics relating to Defra's badger control policy, which we received on 20 June. We have handled your request under the Environmental Information Regulations 2004 (EIRs).

The EIRs apply to requests for environmental information, which is a broad category of information defined in regulation 2 of the EIRs. Public authorities are required to handle requests for environmental information under the EIRs. They give similar access rights to the Freedom of Information Act 2000 (FOIA).

We have answered your questions below:

Please say on what dates you have had discussions with British Veterinary Association on the monitoring of 2014 Badger Cull since 1/4/2014.

Since April, the following meeting have been held between Defra and BVA:

- **9 April**– Defra CVO Nigel Gibbens presented to a joint meeting of BVA's VPG and EWG committees to provide an overview of the results of monitoring during the pilots, as set out in the IEP report in advance of BVA Council.
- **6 May and 15 May**- Follow-up meetings held between the CVO and BVA.
- **20 May**– BVA representatives met with the Secretary of State to discuss the IEP report and Defra's response.

No formal minutes taken of these meeting. Readouts were provided to Defra officials internally, which fall under regulation 12(4)(e) of the EIRs, relating to internal communications.



Why have you decided to allow use of shotguns in 2014 Badger cull against the advice of the IEP, when you said you would implement their recommendations?

The licensees will not use shotguns for controlled shooting during culling this year (their use will continue separately for the purpose of dispatching of cage trapped badgers).

Did you consult the British Veterinary Association on the humaneness of proposed shotgun use? If so please supply the outcome of this consultation. If not, why not?

The use of shotguns as part of the badger control policy was consulted on with all stakeholders and the public through the formal consultation process that occurred in 2011.

The consultation is available here: <https://www.gov.uk/government/consultations/guidance-to-natural-england-on-the-implementation-and-enforcement-of-a-badger-control-policy>.

The BVA/BCVA joint response to this consultation is available here:

http://www.bva.co.uk/Consultations/Documents/BVA_BCVA_response_to_consult_on_guidance_to_NE.pdf.

Defra's response to the consultation is available here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/88406/bovine-tb-summary-of-responses.pdf.

Have you now determined how the 2014 badger culls will be monitored for humaneness? Please say who the monitors will be, what their qualifications are and how often they will attend culling sites?

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Will postmortems be carried out to assess humaneness and assess the length of time badgers took to die? Who will carry these out? What will the reporting arrangements be?

&

Will the humaneness of shotgun use be assessed and reported on separately from the humaneness of the use of high velocity rifles?

Defra is currently working closely with Natural England and AHVLA to develop the detail of how the monitoring will be implemented, including auditing and evaluation procedures. Once arrangements have been confirmed, details of how monitoring will be carried out will be published in due course. The results and outcome of the monitoring of this year's culls will be made publically available after they have been completed.

The Exemption

Regulation 12(4)(e) of the EIRs applies to question 1, asking for the Defra records of meetings with the BVA as these were drawn up to provide high-level summaries of these discussions to officials within the department. These readouts were produced for internal circulation only, and have not been shared outside of the department. The requested information also relates to discussions held with a key stakeholder in the veterinary profession, who play a key role in the development of Defra's badger control policy. Therefore, the information requested falls under scope of the regulation.

The Public Interest Argument

Defra recognises the public interest in disclosing information relating to the development of Defra's badger control policy. Given the emotive nature of the debate surrounding this issue and the wider interest from the public, NGOs, veterinary organisations and the farming industry, we understand that being open and transparent genuinely helps inform a greater understanding of the policy area. Moreover, there is a public interest in widening the understanding of veterinarians in policy making in this policy area.

However, it would not be in the public interest to release information about stakeholder discussions which was produced specifically for internal consumption only. These readouts have not been shared outside of Defra or with the BVA. Officials need the safe space within government to take on-board and consider the results of meetings with key stakeholders such as the BVA without the risk that the details of sensitive discussion (such as those relating to Defra's badger control policy) will be disclosed. Such a disclosure would expose the views of officials and stakeholders speaking freely on the badger control policy, inhibiting open discussion internally and with stakeholders about this area in future.

On the balance of the public interest arguments, we believe that the information should be withheld.

In keeping with the spirit and effect of the EIRs, and in keeping with the government's Transparency Agenda, all information is assumed to be releasable to the public unless exempt. Therefore, the information released to you will now be published on www.gov.uk together with any related information that will provide a key to its wider context. Please note that this will not include your personal data.

I attach Annex A, which explains the copyright that applies to the information being released to you.

I also attach Annex B giving contact details should you be unhappy with the service you have received.

If you have any queries about this letter, please contact me.

Yours,

Defra TB Programme

Ccu.correspondence@defra.gsi.gov.uk

Annex A

Copyright

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Annex B

Complaints

If you are unhappy with the service you have received in relation to your request you may make a complaint or appeal against our decision under section 17(7) of the FOIA or under regulation 18 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to Mike Kaye, Head of Information Standards, Area 4D, Nobel House, 17 Smith Square, London, SW1P 3JR (email: requestforinfo@defra.gsi.gov.uk) and he will arrange for an internal review of your case. Details of Defra's complaints procedure are on our [website](#).

If you are not content with the outcome of the internal review, section 50 of the FOIA and regulation 18 of the EIRs gives you the right to apply directly to the Information Commissioner for a decision. Please note that generally the Information Commissioner cannot make a decision unless you have first exhausted Defra's own complaints procedure. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF