

CABINET MEMBER DECISION

Decision:

(i) Details of decision

PROCEDURAL MATTERS: PETITION

That the response attached at Appendix 1 be agreed.

(ii) Reasons for decision

To respond to the petition.

(iii) Details of any alternative options considered and rejected

None

(iv) Details of any consultation and representations received not included in the published report

Mrs Cargill presented the petition which had 437 signatures. Mr David Ireland, parish priest from St Michael's Church, Mickleham made the following points:

- At the time of the agreement between SCC and SWT, it was not foreseen that SWT would become farmers themselves.
- The detailed plans for farming Swanworth Farm had not been submitted by SWT or approved by SCC as per their contract.
- Huge public concern about grazing projects already run by SWT.
- Local MP involvement.
- Eviction changes Nick Bullen from an asset of the community to a liability.

A paper copy of his comments was tabled at the meeting.

The local Member, Mrs Hazel Watson addressed the meeting and spoke in support of Nick Bullen remaining at Swanworth Farm. She urges SCC to work together with SWT to allow him to remain at the farm. She expressed concern that he would lose both his livelihood and his house. She also said that there had been little investment in the farm from SWT. Finally, she considered that as SCC owned the land they had responsibility for the tenant.

Other County Councillors in attendance were, Mr Bill Barker, Mr Will Forster and Mr Tim Hall, Cabinet Member for Change and Efficiency.

Mr Barker said that he was a SCC Member on the Partnership Committee with SWT and that he had numerous concerns about SWT's management practices.

The Cabinet Member drew attention to her tabled response and said that SWT had been granted a 50 year lease to manage the land on behalf of SCC who were the third party in this arrangement with the tenant. She said that SWT had granted Mr Bullen a three month extension to his Notice to Quit.

She also hoped to have received SWT's Business Case and also the report of SCC's Audit team on the SWT contract by the Autumn.

Conflicts of Interest

(Any conflict of interest declared by any other Cabinet Member consulted in relation to the decision to be recorded)

None

Dispensation

(Any dispensation granted by the Standards Committee in respect of any declared conflict of interest to be noted)

None

Decision taken by:

(i) **Name:** Lynne Hack

(ii) **Portfolio:** Environment

Date of Decision: 15 June 2011

Date of Publication of Record of Decision: 16 June 2011

Date decision effective (i.e. 5 days after date of publication of record of decision unless subject to call-in by the Environment and Transport Select Committee): 24 June 2011

CABINET MEMBER FOR ENVIRONMENT

RESPONSE TO PETITION CONCERNING THE SWANWORTH FARM TENANCY

The Petition

'We the undersigned petition Surrey County Council to rescind the eviction of Nick Bullen from Swanworth Farm.

The Bullen family have been working on Swanworth and Cowslip Farms since the early 1960's and Nick Bullen has lived there most of his life. The current tenant, Nick Bullen, has run the farm alone since 1998, taking over the lease in 2000 from his parents. At one point his father had a life time agreement.

Nick has been trying to obtain a secure lease for over seven years and has had to struggle on with an annual renewing lease, which has restricted his options for investment and development of the farm.

Now, Surrey Wildlife Trust (who manage farms on behalf of the SCC) have served Nick with an eviction notice so that they can use the land themselves. Many local residents believe this is both unfair and unjustified.

We the undersigned call on the Surrey County Council and Surrey Wildlife Trust to ensure that Nick is treated with justice by revoking the eviction and granting him a secure, long-term tenancy of Swanworth Farm.'

The Response

Thank you for expressing your concerns about the notice to quit issued by Surrey Wildlife Trust to the tenant of Swanworth Farm: Nick Bullen.

Swanworth Farm forms part of Surrey County Council's Countryside Estate, which was leased to Surrey Wildlife Trust in 2002. When Swanworth Farm passed from the County Council to the Trust in May 2002, it was subject to a Farm Business Tenancy, which ended in June 2003 on the death of the tenant. The tenant's son: Nick Bullen, has been occupying the farm on an annual license since then, whilst Surrey Wildlife Trust attempted to negotiate a longer lease.

Surrey Wildlife Trust issued a Notice to Quit on 24 June 2010. The decision to take the farm back in hand was a business decision, driven primarily by the need for the Trust to find additional secure winter grazing for their growing herd of cattle.

It is a founding principle of the agreement between the County Council and Surrey Wildlife Trust that the Trust should be allowed maximum discretion to manage the land as it sees fit and this is reflected in the terms of the lease. Surrey Wildlife Trust is entitled under the terms of its lease to take the land back in hand and there is no legal mechanism for the County Council to intervene.

Surrey Wildlife Trust is working with the tenant to try to find a way for him to continue in farming after his occupation comes to an end and has offered him a 3-month extension to enable his stock to be sold at an appropriate point in the farming cycle.

Dr Lynne Hack

Cabinet Member for Environment

15 June 2011