

Full Council - 9th February 2023 - Standing Order 30 Questions

Questions from Councillor Pursehouse

Question to the Leader of the Council (Councillor Sayer)

I was extremely distraught to hear, during a phone call with a TDC officer, that TDC has already given notice to Merton College, that the Council will be withdrawing from its decades old lease on Farleigh Common. Considering Merton College's reputation as an absentee landlord, this will be of great concern to everyone in Chelsham & Farleigh, and Warlingham.

I can understand TDC's desire not to spend scarce money on land it does not own, but Farleigh Common is a large, ancient and environmentally important site, with much rare flora. Notice to end the lease has been given without any idea of how this environmentally important area will be looked after in the future.

I was told by a previous officer that this was under consideration, but that notice would not have to be given until March. Consequently, I was in discussion with officers on ways of achieving the looked-for savings while the land could continue to be looked after by TDC. Indeed, Chelsham & Farleigh Parish Council had agreed to contribute £2,000 per year for at least five years, and discussions are underway with Warlingham Parish Council.

The decision to withdraw from the lease was taken under officer delegated power and has not been the subject of meaningful consultation with District Members or the Parish Councils.

Would the Leader of the Council agree with me that, while officers may officially have delegated powers, some issues are so sensitive that they should be brought to committee anyway?

Would she also agree that decisions such as this should be discussed with the relevant Parish Council, especially in a climate where we are asking Parish Councils to step up and take on more responsibility across the board?

Further, would she also agree that the decision to end the lease should be rescinded until a proper conversation over the future of Farleigh Common can be had by the District, the two Parish Councils most closely involved and local District Members?

Finally, would she agree that the final decision on this should be made by a TDC committee and Full Council?

Response from Councillor Sayer

Councillor Sayer confirmed her view that such issues required full consultation with relevant Ward Councillors and Parish Councils. If Councillors considered there was still a problem after those consultations, she believed the matter should then come before a committee for a final decision. While not being one of the affected Ward Councillors in this instance, Councillor Sayer had taken the matter up with officers having become aware of Councillor Pursehouse's concerns. She understood from the Head of Legal that the matter had been discussed in several legal/asset management meetings, and that the lawyer taking instructions had specifically raised the question as to whether the Ward Councillors had been informed. It was confirmed by the Asset Management Team that contact with all the relevant individuals had been made (although a specific list of which parties had been liaised with was not provided). There are no details as to how many interactions there had been with Members, but confirmation was received that such interaction had taken place before the break notice was served.

Councillor Sayer believed that the Parish Councils were central to this issue and need to be involved, not least because they may be able to provide a way forward financially to secure the good care and maintenance of the Common for the future ... something residents would be keen to achieve, and crucial for environmental reasons.

Councillor Sayer had been informed by the Head of Legal that once a notice exercising the break clause has been served, it cannot be withdrawn. However, she understood that Merton College had no other plans for the land and would welcome dialogue with TDC and the Parish Councils. She confirmed that Alex Webber (Principal Asset Manager) has been in contact with Councillor Pursehouse and was working with him to facilitate a meeting with the respective Parish Councils.

Councillor Sayer considered that such matters should only be escalated to a committee if they could not be resolved by the landlord, the Parish Councils, Ward Members and Asset Management. Otherwise, submissions to Committees would be unnecessary on the basis that the issues in question would be non-problematic.

Supplementary question from Councillor Pursehouse

Councillor Pursehouse was grateful for Councillor Sayer's answers and the efforts being made to rectify the matter but emphasised the importance of the land, given the rarity of its type (acidic grassland). He asked whether there was a good chance of achieving a satisfactory outcome.

Response from Councillor Sayer

Councillor Sayer was hopeful that a satisfactory resolution could be achieved, although it depended largely on whether the Parish Councils would be able to assist. In that respect, she advised that the estimated annual cost of maintaining the Common is £23,800. Given that TDC did not own the land, it was a question of balancing proper control and maintenance of the land against the cost pressure, but Councillor Sayer hoped there was a solution to that.

Second supplementary question from Councillor Pursehouse

Councillor Pursehouse sought clarification regarding the annual maintenance cost of Farleigh Common as he had been led to believe it would only be in the region of £2,000 and, therefore, the estimated £23,800 is a shock. He questioned whether the £23,800 was the entire budget for maintaining such land.

Response from Councillor Sayer

Councillor Sayer confirmed that £23,800 was the figure she had been given for the estimated annual cost of maintaining Farleigh Common. She read out a breakdown of the various elements which comprised that total cost, including:

- grass cutting and other general maintenance (£11,300)
- tree work (£12,500) per annum for the next five years.

Councillor Sayer offered to supply Councillor Pursehouse with further details about the estimated costs.

Question from Councillor O'Driscoll

Question to the Leader of the Council (Councillor Sayer)

We are in the middle of the traditional fox hunting season. Despite there being a ban on this barbaric sport since 2004, hunting groups have regularly broken the law by illegally hunting foxes under the guise of "trail hunting", which has been evidenced by groups such as the RSPCA and League Against Cruel Sports.

Any suggestions it is a credible form of pest control is nonsense. Hunting groups chase foxes to the point of complete exhaustion and then the foxes die a horrific death at the hands of foxhounds, which themselves suffer injuries long-term from fox hunting. Chris Packham highlighted that you are 62 times more likely to be bitten by a human than by a fox, so there is no justification for this ethically and morally wrong "tradition" to be allowed in civilised society.

What steps are being taken by the Leader of the Council to stop this happening in Tandridge?

Response from Councillor Sayer

Councillor Sayer agreed that fox hunting is a barbaric activity and simply cruelty masquerading as a sport. She asked Councillor O'Driscoll if he could provide the Police with any evidence of associated illegal activity within the District. Councillor Sayer confirmed that she would be happy to support Councillor O'Driscoll in pressing the Police to take action; highlighting the perpetrators; and through any other measure which might be effective.