

Farms Estate Committee Protocol

Introduction

This protocol sets out the practices and procedures that should be followed by members and officers of the Farms Estate Committee in relation to the matters set out below when dealing with matters relating to the involvement of tenants.

The protocol is intended to clarify, and make transparent, the principles relating to the position of tenants (and tenants' representatives on the Committee) and their involvement in Farms Estate Committee meetings etc., to ensure all parties are treated fairly and consistently.

All meetings of the Farms Estate Committee will be conducted in accordance with Devon County Council's Constitution and Standing Orders.

Representation of Tenants' Views

There will be a presumption that the Tenants' Representative and the Devon Federation of Young Farmers' Clubs Representative, both of whom sit as formal co-opted members on the Farms Estate Committee, will speak on general issues affecting the Estate or matters affecting tenants. The Chair will as a matter of courtesy invite those representatives to speak first after officers have presented any report/item. The co-opted members have the right to place items on the agenda for Farms Estate Committee meetings in line with the County Council's Constitution and Standing Orders.

There will be no right of public participation at meetings of the Farms Estate, although the Committee may at its discretion invite any person(s) to address it.

Members' Farm Visits

Members' farm visits shall only be held where the proposals are of such a nature that the Committee is confident that the value added justifies the visit. The prime purpose of the visit is for Committee members to fully understand the material considerations to be taken into account in determining the relevant proposal. Farm visits are held in relation to requests for extension of tenancy and the monitoring of new tenants, and may be held for other reasons.

Farm visits will be made for information gathering purposes only. This should be made clear to the tenant. The tenant has the right to attend and speak. An officer's report and recommendation(s) will be made to the next/future Farms Estate Committee meeting.

Lobbying and Decision-Making

Lobbying is a normal and perfectly proper part of the political process. Tenants may seek to influence a decision by an approach to their local member or to members of the Farms Estate Committee. However, such lobbying can lead to the impartiality and integrity of a member being called into question. Committee members who have been lobbied on applications for tenancy extensions or other proposals relating to individual tenants must declare this before the application is considered.

Committee members are free to listen to any point of view about a proposal. Even though they may agree with a particular view, members of the Committee should avoid expressing an opinion which may indicate they or the authority have reached a final conclusion on a proposal until all the relevant information, evidence and arguments have been put before them at Committee.

Members of the Farms Estate Committee need to preserve their role as impartial decision-makers and should not give advice to tenants regarding proposals they have made or intend to make.

When meeting tenants, the Chair should be accompanied by an officer and at least one other member

Consideration of Requests for Extension of Tenancy at Meetings of the Farms Estate Committee

Any request for an extension of a tenancy or recommendation arising from a site visit will be considered at the appropriate Farms Estate Committee with all relevant documentation. The tenant will be advised, by the Democratic Services & Scrutiny Secretariat, of the date of that meeting and shall have the right to attend (accompanied by a friend if desired) and speak to that item. The tenant will also be sent a copy of the officer's report on the matter.

Immediately after any introduction by the officers, the tenant will be invited to give a presentation lasting no more than 10 minutes explaining his/her business plan and justification for an extension of tenancy and respond to any questions from members or officers.

The tenant will be then asked to leave the meeting while the Committee comes to a decision and will be invited to return to be notified, by the Chair, of the Committee's decision (with a brief explanation of the reasons for that decision). In the event that the Committee, for whatever reason, is unable to reach a decision, the tenant will be brought back into the meeting and informed when the decision is expected to be made. There will be no further discussion of the matter or representations by the tenant at that meeting.

The tenant will subsequently also receive formal notification of the decision, in writing, together with more detailed reasons for the decision as soon as possible after the meeting, normally within 3 working days.

Generally

The principles in the foregoing paragraph may also apply, at the Committee's discretion, in other circumstances or relevant occasion relating to a tenancy or future occupation of a holding.