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**KIRKLEES COUNCIL**  
**STANDARDS COMMITTEE**

**Tuesday 9 March 2010**

Present: Councillors Hardcastle and Patrick

Co-opted Members: Mr P Blythe (in the Chair), Mr D J Binns, Councillor M Barlow, Rev M Roberts, Councillor C Kaye and Councillor P Cunnington

**1 Minutes of Previous Meeting**

**RESOLVED** - That the Minutes of the meeting held on 12 January 2010 be approved as a correct record.

**2 Interests**

No interests were declared.

**3 Admission of the Public**

The Committee determined that all business would be considered in public session.

**4 Deputations/Petitions**

No deputations or petitions were received.

**5 Public Question Time**

No questions were asked.

**6 Proposed Adoption of a Revised and Updated Protocol for Speaking at Planning Committees/Sub-Committees**

The Committee gave consideration to a report which set out a draft protocol for public speaking at Planning/Sub-Committees. The report advised that the protocol had been revised and updated to provide clearer advice to members of the public on procedural matters and to advise how the meetings would be conducted. The report highlighted the main changes which were:-

- (i) clarification of time limits that would apply to Elected Members attending meetings to make representations as a Ward Councillor;
- (ii) clarification that PowerPoint presentations by members of the public will not normally be permitted;

- (iii) clarification that members of the public should not attempt to pass messages to any Members of the Committee during the meeting;
- (iv) the introduction of a deadline for receipt by the LPA of additional documents/information that members of the public may wish to rely on in support of their presentations.

In considering the amended protocol, the Committee asked a number of questions relating to the process and procedures of the meeting and sought clarification on a number of issues within the protocol. It was suggested, as a result of the discussions, that further amendments should be incorporated to specify that any objectors to an application will be invited to speak prior to those in favour of an application and also to clarify that the Chair had discretion to amend the protocols as necessary.

**RESOLVED** - That the protocol be referred to Planning and Highways Committee, with the suggestion that amendments could be included to (i) specify that any objectors will speak prior to those in favour of an application and (ii) indicate that the Chair has discretion to amend the protocols as necessary.

## **7 Proposed Adoption of a Revised and Updated Councillors Protocol for Planning Committees**

The Committee gave consideration to a report which set out a draft Planning protocol for Councillors. The report advised that the protocol had been revised and updated to take into account guidance recently published by the LGA entitled 'Probity in Planning', which aimed to provide clearer advice to Members on dealing with their own planning applications or those submitted by friends/family, and to address a number of difficulties and misunderstandings in relation to the operation of the protocol that have arisen. The report highlighted the main changes which were:-

- (i) encouragement of pre-application discussions;
- (ii) clarification of Councillor speaking rights at Committee/Sub-Committee;
- (iii) clarification that to take a vote on any motion that is contrary to the officer recommendation reasons must be articulated that can be justified on planning grounds;
- (iv) clarification that the Chair may ask for a recorded vote on any application subject to the support of at least two other Members of the Committee;
- (v) provision of clear advice and procedures for dealing with planning applications submitted by serving Councillors and their close associates/relatives.

Considerable discussion took place on the impact of the proposed changes and the Committee asked numerous questions, specifically in relation to the issues of taking decisions contrary to the officer's recommendation and the assistance which officers should provide at Committee if Members are minded to vote in this way. It was suggested that the wording of paragraph 9.9 should be amended to read '.... The Chair will not allow any Motion contrary to the officer recommendation ...' to '.... the Chair may not allow ...', in order to prevent any confusion that votes contrary to the officer recommendation would not be allowed. It was also suggested that the layout of the document could be changed so that there is a more evident link between sections 1.3 and 9.6 of the report and that the final sentence of paragraph 9.8 is deleted.

**RESOLVED** - That the protocol be referred to Planning and Highways Committee subject to (i) the wording of paragraph 9.9 being amended to prevent any confusion that votes contrary to the recommendation may not be allowed to read that '... the Chair may not allow ...'. (ii) consideration be given to amending the layout of the document so that there is a link between paragraphs 1.3 and 9.6 and (iii) the deletion of the final sentence of paragraph 9.8.

## **8 Proposed Adoption of a Revised and Updated Councillors Protocol for Licensing Committees**

The Committee gave consideration to a draft Licensing Protocol which set out principles to guide Members and officers in determining licensing applications and making other decisions within the terms of reference of Licensing Committee. The report emphasised the need for decisions to be made fairly, openly, impartially and for justifiable licensing reasons.

The Committee noted the report and requested that, after a 12 month period, a further report be submitted to provide feedback on how the protocols are operating in practice.

**RESOLVED** - That the protocol be noted and referred to Licensing Committee for further consideration.