

LEEDS CITY COUNCIL

**HEARINGS SUB-COMMITTEE
REFERENCE 0809006**

**ALLEGATION AGAINST COUNCILLOR JOHN PROCTER
OF FAILURE TO COMPLY WITH THE CODE OF CONDUCT
OF LEEDS CITY COUNCIL**

**WITNESS STATEMENT OF
COUNCILLOR GRAHAM LATTY**

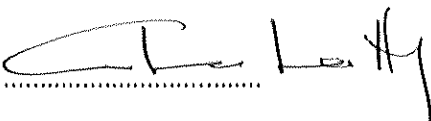
I, COUNCILLOR GRAHAM LATTY, of Leeds City Council, Civic Hall, Calverley Street, Leeds LS1 1UR will say as follows:

1. I make this statement from facts and matters in my own knowledge.
2. I am the Chair of Plans Panel (East) of Leeds City Council. I was Chair of this panel on 10 April 2008.
3. Meetings of Plans Panel (East) are carried out in accordance with the requirements of the Council's constitution and public speaking at those panels is subject to the Protocol for Public Speaking at Plans Panels contained in Part 5 of the Council's constitution.
4. There is nothing in the Protocol for Public Speaking at Plans Panels which says that speakers must be heard in silence and there are no other rules and guidance which say this.
5. I know that people do not listen in silence to the proceedings of Plans Panel (East) and that sometimes people in the public area talk to each other whilst a speaker is addressing the Panel. My practice is to consider any such noise on its merits and to react accordingly. I am keen to ensure that all applications considered by the Panel are dealt with fairly. If I am aware of people in the public area speaking to each other, I would not expect to intervene as a matter of course.
6. However, I would expect to intervene if a speaker was being harassed by another person or if a speaker became distressed. I would also expect to intervene if someone attempted to give themselves extra opportunities to address the Panel by making comments from the public area. Therefore, if I have not taken action when people have talked at the same time as speakers, I conclude that on those occasions I had no evidence to suggest that the talking was affecting the speaker or the Panel.

7. I can give a recent example of the meeting of Plans Panel (East) on 11 February 2010. During consideration of application 09/03138/FU, which was an application for houses at Elmete Avenue, Scholes, a person who spoke on behalf of objectors also started speaking again whilst someone else spoke in favour of the application. I pointed out to the objector that he had already had his say and told him to let the other person speak.
8. I am aware that an allegation has been made against Councillor John Procter in respect of his conduct at the meeting of Plans Panel (East) on 10 April 2008. I was interviewed during the investigation into that allegation. I explained to the interviewer that I did not hear Councillor Procter say anything whilst Mrs Ann Bradbury was addressing the Panel but that I was unlikely to have done so if Councillor Procter spoke in a normal voice because of the size and acoustics of the rooms used for the meeting. I believe that if Councillor Procter had spoken as loudly as the objector in February 2010 whom I have mentioned, then I would have intervened. I would also have intervened if there had been any sign of Councillor Procter harassing or upsetting Mrs Bradbury.
9. If members of the Council address the Panel in respect of planning applications, then I would expect them to be treated with the same level of respect that would be shown to other members of the public. Councillor Procter is a frequent speaker at Panel meetings. I would expect that those meetings will have included occasions when other people spoke whilst he was speaking. I am also aware that members of the Panel have subjected Councillor Procter, who is a former member of the Panel, to some teasing when he has addressed them. Since this seemed to be good natured and Councillor Procter did not seem concerned by it, I did not see any need to intervene. I would expect Councillor Procter to have recognised this as an example of my assessing the effect of the noise and allowing it to continue to the extent that it was not causing distress or affecting the fairness of the meeting.

FAIRLY


I believe that the facts stated in this witness statement are true.

Signed: 

Name: GRAHAM W. LATTY

Date: 3/4/10

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**WITNESS STATEMENT OF
COUNCILLOR MATTHEW LOBLEY**

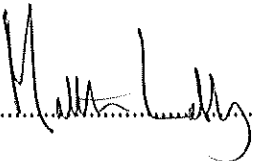
I, COUNCILLOR MATTHEW LOBLEY, of Leeds City Council, Civic Hall, Calverley Street, Leeds LS1 1UR will say as follows:

1. I make this statement from facts and matters in my own knowledge.
2. I am a member of Leeds City Council and represent the Roundhay Ward.
3. I have attended meetings of the Council's Plans Panel (East) on a number of occasions.
4. The proceedings of meetings of Plans Panel (East) follow the Protocol for Public Speaking at Plans Panels contained in Part 5 of the Council's constitution. This contains provisions for objectors and applicants to address a plans panel about an application, subject to a maximum time limit of three minutes. The Protocol also provides that if the applicant or supporters of an application recommended for refusal have addressed a panel, the objectors have a right to reply subject to a maximum time limit of three minutes. Members of a panel then have the opportunity to ask questions and seek clarification.
5. When speakers in favour of or against an application have finished their presentations, they have no opportunity to speak again unless they are asked to answer questions put to them by the Chair or other members of the panel. If a misrepresentation is made by a speaker regarding someone in attendance at the meeting, that person has no formal opportunity to correct this. This can put Elected Members in a very difficult position if they are misrepresented in front of their constituents who hear incorrect points being made at panel meetings. I know this from my personal experience at Plans Panel (East).
6. I attended the meeting of Plans Panel (East) on 27 August 2009, when an application by Tesco for a replacement store at Roundhay Road was considered (application 09/01995/FU). One of the objectors to the application made a presentation and then went on to answer questions from members of the panel. The questions enabled the objector to answer with criticisms directly levelled at me which were inaccurate and unfair. I felt it was important to refute these

points and I asked the Chair for an opportunity to address the Panel to correct factual inaccuracies. I believe that I referred to the objector's answers to the questions from members of the panel as "gross misrepresentation". The Chair took advice from the Panel's legal adviser and then told me that I did not have the right to speak to the Panel about this. This meant that every person who heard the discussion of that planning application, including constituents from my ward, would have left the meeting after hearing accusations made against me which I knew to be wrong.

7. I sent written comments for the attention of Plans Panel (East), explaining the way I had been misrepresented at the meeting on 27 August. I expected my comments to be read out at the next meeting of Plans Panel (East) but this did not happen. I asked a planning officer for an explanation and he told me that it had been the Chair's decision not to read out my comments.
8. In my experience, it is not unusual for people to speak to each other at meetings of Plans Panel (East) at the same time as someone is formally addressing the panel. There are no rules or guidance to indicate to people, including members of the Council, that they should not do so. In particular, I would say that when a someone speaks on behalf of a developer in favour of a planning application, it is common for local residents who are in the public area to make some noise. I have never known the Chair of Plans Panel (East) to call for silence when that has happened.

I believe that the facts stated in this witness statement are true.

Signed: 

Name: MATTHEW LOSLEY

Date: 13/4/2010

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**WITNESS STATEMENT OF
COUNCILLOR PETER GRUEN**

I, COUNCILLOR PETER GRUEN, of Leeds City Council, Civic Hall, Calverley Street, Leeds LS1 1UR will say as follows:

1. I make this statement from facts and matters in my own knowledge.
2. I am a member of Plans Panel (East) of Leeds City Council. I have attended many meetings of this Panel, including the meeting on 10 April 2008.
3. The proceedings of meetings of Plans Panel (East) follow the Protocol for Public Speaking at Plans Panels contained in Part 5 of the Council's constitution. There is nothing in that protocol which says that when a speaker is addressing a panel other people present at the meeting must be silent.
4. People in the public area often speak to each other during meetings of Plans Panel (East). This includes times when speakers either in favour of or against particular planning applications are making presentations to members of the Panel.
5. I recognise that many people who attend meetings of Plans Panel (East) and sit or stand in the public area do so because they have a keen interest in particular planning applications which are considered by the Panel. It is therefore understandable that there will be times when they feel the need to speak to each other to seek clarification or make comments.
6. This means that it is fairly common for there to be some noise from the public area during meetings of Plans Panel (East). As a member of the Panel, I would not expect the Chair to take action over this as a matter of course but I have known him to intervene if the noise of talking from the public area is causing difficulty to a speaker or otherwise adversely affecting the consideration of a particular application.

I believe that the facts stated in this witness statement are true.

Signed: 

Name: 

Date: 