



Walsall Council

Planning Committee

8th August, 2019

Procedural Matter - Planning Minutes

1. PURPOSE OF REPORT

To advise of a procedural matter in relation to records of minutes and seek approval to amend the records of minutes of the planning meetings held on 1st November, 2018, 21st February, 2019, 21st March, 2019 and 18th April, 2019 where inaccuracies have subsequently been discovered.

2. RECOMMENDATIONS

1. That the record of Minute number 2097/18 relating to application number 18/0609 – two storey side and rear extension plus ground floor front extension (amendment to previous planning application reference 17/1020) at 8 Rushall Close, Walsall, WS4 2HQ be amended to remove reference to 18/0773 and replace with 18/0609 and it be:-

Resolved

That planning application number 18/0609 be granted in accordance with the officers report and the reasons contained therein subject to the conditions as contained within the report.

2. That the record of Minute number 2102/18 relating to application number 18/0016 – outline application for erection of a 3 bed bungalow and associated works with access and layout only for consideration on land to the rear of 57 Lichfield Road, Bloxwich, Walsall, WS3 3LT be amended to remove reference to 18/0018 and 18/0545 and replace with 18/0016 and it be:-

Resolved

That planning application number 18/0016 be granted in accordance with the officers report and the reasons contained therein subject to the conditions as contained within the report.

3. That the record of Minute number 2165/19 relating to application number 17/1240 – demolition of existing buildings, construction of 16 dwellings (2x2 bed and 14x3 bed) with associated access road and parking at former British Lion Works, Forest Lane, Walsall, WS2 7AX, be amended to read:-

Resolved

That the Head of Planning, Engineering & Transportation be delegated the authority to grant permission in accordance with the officer's report and supplementary report and the reasons contained therein, subject to:

- Conditions including the revision or removal of any conditions as required;
 - Completion of a Section 106 Agreement to secure the future management/maintenance of the canal boundary scheme for the lifetime of the development; and to
 - Refuse the scheme in the absence of a completed S106 Agreement on that basis.
4. That the record of Minute number 2181/19, relating to application number 18/1559 – redevelopment of site with the erection of 6 industrial units (use Class B1C, B2 and B8) ancillary service areas, car parking and cycle parking at Willenhall Lane Industrial Estate, Willenhall Lane, Bloxwich be amended to read:

Resolved

That the Head of Planning, Engineering & Transportation be delegated the authority to grant permission in accordance with the officer's report and supplementary report and the reasons contained therein, subject to:-

- the amendment and finalising of conditions;
 - completion of a Section 106 Agreement to secure a travel plan and landscape management plan, both for the lifetime of the development; and
 - no further comments being received from a statutory consultee which raises material planning considerations not previously addressed.
5. That the record minute number 2182/19 relating to application 18/0715 - erection of four storey building to accommodate 26 one and two bedroom apartments on the site of former 37 and 38 Bradford Street, Walsall, be amended to read:-

Resolved

That planning application number 18/0715 be approved in accordance with the officer's report and supplementary report and the reasons contained therein subject to amended conditions as contained within the report and supplementary paper.

6. That the record of Minute number 2183/19, relating to application 18/1641 – partial demolition and extensions to create a two-storey dwelling with side and rear extensions and new first floor at 166 Clarkes Lane, Willenhall, WV13 1HT, be amended to read:-

Resolved

That the Head of Planning, Engineering & Transportation be delegated the authority to grant permission, in accordance with the officer's report and supplementary report and the reasons contained therein subject to:-

- the amendment and finalising of conditions; and
- There being no further comments received from a statutory consultee raising material planning considerations not previously addressed.

7. That the record of Minute number 2202/19 relating to application number 17/1432 – redevelopment of existing hand car wash to provide a hand car wash facility, new canopy structure, parking and associated customer refreshment and staff welfare building at former Field Service Station, Lichfield Road, Bloxwich, Walsall, WS3 3SDR be amended to remove reference to 18/1203 and replace with 17/1432 and it be:-

Resolved

That planning application number 17/1432 be granted in accordance with the officers report and the reasons contained therein subject to the conditions as contained within the report.

8. That subject to approval of recommendations 1 – 7 above, the Monitoring Officer make a note against the original minutes indicating the subsequent corrections.

3. REPORT DETAIL

3.1 Planning Committee considered planning applications as follows:-

Committee Date	Application Number(s)
1 st November, 2018	18/0609 & 18/0016
21 st February 2019	17/1240
21 st March, 2019	18/1559, 18/0715 and 18/1641
18 th April, 2019	17/1432

The minutes of these meetings were approved/signed as a correct record at subsequent meetings.

3.2 It has since become clear that the record in respect of the above applications did not fully reflect the decisions of the Committee.

3.3 The table below sets out the required corrections to the minutes to ensure that they accurately reflect the decisions taken by Committee:-

Application number	Correction required
18/0609	Reference to 18/0773 be removed and replaced with 18/0609
18/0016	Reference to 18/0018 and 18/0545 be removed and replaced with 18/0016
17/1240	The record should state that the matter had been delegated to the Head of Planning, Engineering & Transportation and that there was a requirement for a Section 106 Agreement.
18/1559	The record should state that the matter had been delegated to the Head of Planning, Engineering & Transportation and that there was a requirement for a Section 106 Agreement.
18/0715	The record should state that the application be approved, subject to conditions as contained within the report and supplementary paper.
18/1641	The record should state that the matter had been delegated to the Head of Planning, Engineering & Transportation to grant permission subject to the amendment and finalising of conditions and no further comments being received from a statutory consultee raising material planning considerations not previously addressed.

17/1432	Reference to 18/1203 be removed and replaced with 17/1432
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- 3.4 There is a legal requirement for the Council to keep an accurate record of committee decisions. This is done by way of minutes. It is permissible to correct a set of minutes on the grounds of their accuracy. This usually occurs at the next available meeting when the minutes are submitted for approval. However, where an inaccuracy is later discovered, the committee should, by resolution, amend the record of their decision despite their having been already approved and signed as a correct record at a previous meeting.
- 3.5 Should the Committee agree to the recommendations as set out in paragraph 2 - the Monitoring Officer will make a note against the original minutes indicating the subsequent corrections.

4. LEGAL IMPLICATIONS

- 4.1 The Council is under a duty to keep an accurate record of proceedings.
- 4.2 The minutes of a Committee meeting, when written up and entered in the minute book, are presented to the following Committee meeting for confirmation. Confirmation is not required before the minutes can be acted upon by officers: the decisions taken at a meeting are of immediate effect. The minutes are, however, the public record of those decisions and therefore are put to the following meeting, for confirmation of their accuracy. The Committee cannot reopen debate upon any matter in the minutes when being asked to confirm them as a proper record of the previous meeting. They are simply confirmed as a correct record of the previous meeting.
- 4.3 If a member of the Committee considers there to be an inaccuracy in the minutes presented, the minute of the meeting confirming the minute should record that the minutes were approved subject to the following correction and then set out the correction.
- 4.4 Once minutes have been confirmed, the minutes cannot be altered in any circumstances whatsoever. If an inaccuracy is discovered after the minutes have been signed as confirmed, the inaccuracy can only be corrected by resolution of the Committee. In these circumstances, the minute of the meeting addressing the inaccuracy should record:
- The minutes of the meeting held on [] approved by the Committee and signed by the chairman at the meeting on [] be amended in the following respect to correct an inaccuracy subsequently discovered: ...
- 4.5 No amendment may be made to the original inaccurate minute other than for the Monitoring Officer to note, in pencil, that there has been a subsequent correction.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no direct financial implications of this report.
- 5.2 Where an applicant has suffered delay in the determination of its planning application they have a right of appeal to the Secretary of State against non-determination and it may, at the same time, seek to claim costs if it is able to establish that the Council has acted unreasonably. At the time of writing this report, no such appeals have been lodged in relation to these matters and no complaint has been received from any of the affected applicants or their agents.

6. WARD(S) AFFECTED

Blakenall / Bloxwich East / Birchills Leamore / St Matthews / Willenhall South

7. CONSULTEES

Officers in Legal Services and Planning Services have been consulted in the preparation of this report.

8. CONTACT OFFICER

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9. BACKGROUND PAPERS

Planning Committee papers, including supplementary papers held on 21st February and 21st March, 2019.

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