



6<sup>th</sup> February, 2020

## **Procedural Matter - Planning Minutes**

### **1. PURPOSE OF REPORT**

To advise of a procedural matter in relation to the minutes of the meeting held on 28<sup>th</sup> November, 2019, and seek approval to amend said minutes to correct an inaccuracy which has subsequently been discovered.

### **2. RECOMMENDATIONS**

That the record of Minute No. 2318/19 relating to Planning Application No. 19/0768 (The Armstrong Building, c/o the Green & Booth Street, Darlaston, WS10 8JP - demolition of existing building and erection of 24 new affordable residential units, access, landscaping and associated works) be amended from the following: -

*"That planning application no. 19/0768 be delegated to the Head of Planning, Engineering and Transportation to grant permission subject to: -*

- 1. resolving pollution control concerns regarding noise;*
- 2. the confirmation of a section 106 legal agreement to protect 25% of the development for affordable housing triggered if the development is sold for open market housing or via the right to buy;*
- 3. provide a section 106 contribution of £31,185 for open space in the vicinity;*
- 4. landscape management plan for the 'in-perpetuity maintenance' of the hard and soft landscaping within the development site."*

And replaced with the following: -

*"That planning application no. 19/0768 be delegated to the Head of Planning, Engineering and Transportation to grant permission subject to amended conditions and: -*

- 1. the confirmation of a Section 106 legal agreement to provide 25% affordable housing (6 houses, being a mix of 2 and 3 bed as 4 social rent and 2 shared ownership) to be retained in perpetuity;*
- 2. the provision of an urban open space Section 106 contribution of £31,185 for Owen Park;*
- 3. a landscape management plan for the in perpetuity maintenance of the hard and soft landscaping within the development site."*

### **3. REPORT DETAIL**

- 3.1 The Planning Committee considered planning application No. 19/0768 at its meeting on 28<sup>th</sup> November, 2019. The minutes of this meeting were subsequently approved / signed as a correct record at the meeting held on 9<sup>th</sup> January, 2020.
- 3.2 It has since been identified that the record in respect of the above application did not reflect the Committee's decision. The resolution within the signed minutes reflects the original recommendation as contained within the 28<sup>th</sup> November Committee report. However, the Committee approved an amended recommendation, as set out in the supplementary paper tabled at the meeting on 28<sup>th</sup> November.
- 3.3 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 recommendation 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 presented for approval 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 a correction.
- 4.4 Once minutes have been confirmed, the signed 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 signed 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**

Bentley and Darlaston North.

## **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 28<sup>th</sup> November, 2019.

## **Author**

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