

LONDON BOROUGH OF HARROW

Meeting:	Development Control Committee
Date:	18 May 2004
Subject:	Minutes relating to the Committee's Consideration of Application P/2677/03/CVA/GM re Timbers, 41 Brookshill, Harrow Weald
Key decision:	No
Responsible Chief Officer:	Borough Solicitor
Relevant Portfolio Holder:	Planning, Development, Housing and Best Value
Status:	Part I
Ward:	Harrow Weald
Enclosures:	Extract of the Minutes of the Development Control Committee Meeting held on 11 February 2004 setting out those minutes relating to Application P/2677/03/CVA/GM

1. **Summary/ Reason for urgency (if applicable)**

On 17th March 2004, at the Borough Solicitor's request, the approval of the minutes regarding the Committee's consideration of the application for the site of Timbers on 11th February were deferred. Following enquiry, the Borough Solicitor submits them for approval.

Recommendation (for decision by the Development Control Committee)

That the Committee approve the minutes of the meeting held on 11 February 2004 insofar as they relate to planning application 2/01 as a correct record of that meeting.

REASON: To complete approval of the minutes of the Committee's 11th February 2004 meeting.

3. **Consultation with Ward Councillors**

3.1 None.

4. **Policy Context (including Relevant Previous Decisions)**

4.1 Compliance with the Committee Procedure Rules, the Members' Code of Conduct and the Council's 'Protocol for Members and Reserve Members when Dealing with Planning Applications and Lobbying' ("the Protocol").

5. **Relevance to Corporate Priorities**

5.1 No direct relevance.

6. **Background Information and options considered**

6.1 Planning Application P/2677/03/CVA/GM in respect of Timbers, 41 Brookshill, Harrow Weald was submitted to the Development Control Committee for determination at its meeting held on 11 February 2004.

6.2 Having given consideration to oral representations from an objector, a representative of the applicant, and two interested Councillors who were not Members of the Committee, and having debated the application, the Committee resolved to grant permission for the application, in accordance with the officer recommendation.

6.3 **Complaint Made by 5 Members of the Public**

6.3.1 Following the meeting, the Borough Solicitor received correspondence from 5 members of the public regarding the Committee's handling of the above application.

6.3.2 The complainants were advised of the possibilities of judicial review and complaint to the Standards Board for England. This was in the context of a number of different allegations, some relative to the Protocol, most of which do not concern the accuracy of the minutes.

6.3.3 Specifically in relation to the minutes, it was alleged that they were inaccurate in that it was recorded that the Committee had agreed to allow Councillors Anjana Patel and Navin Shah to backbench when that was not the case.

6.3.4 Having spoken to staff present at the meeting and enquired of the Chair of the Committee, the Borough Solicitor has concluded that the requests to speak were agreed by general consent of the Committee under the Arrangement of the Agenda item. Councillor Patel had made a prior written request to the Chair.

6.3.5 It is not the purpose of this report to deal with the other allegations, but for completeness it is reported that the Borough Solicitor is of the view, on the information available, that the decision to grant planning permission was lawfully taken and no action is required from him in regard to Members' conduct.

6.4 **Recording of the debate**

6.4.1 At the meeting of the Committee held on 17 March 2004, comment was made suggesting that the minutes ought to include a record of the discussion on the 11th February.

6.4.2 On this point, the Committee is reminded that the minutes are intended to be a record of decisions taken. The minutes do not record the debate/discussion. If Members wish they can be recorded as voting a particular way with a brief note of explanation, where necessary, to avoid ambiguity (Committee Procedure Rule 20.3). The minutes are the property of the Committee; therefore if on any particular occasion the Committee instructs a particular record to be minuted, that would be done. The Committee needs to take care before departing from the normal practice, as there are implications, eg resources, affects on appeals, debates about whether the minutes are fair. The Borough Solicitor's firm advice is that the existing minuting practice should be maintained.

6.4.3 It is therefore recommended that the Committee now approve the minutes of the meeting held on 11 February 2004 insofar as they relate to planning application 2/01 as a correct record of that meeting without any further amendments.

7. **Consultation**

7.1 N/A

8. **Finance Observations**

8.1 N/A

9. **Legal Observations**

9.1 This is a report of the Borough Solicitor.

10. **Conclusion**

10.1 It is recommended that the Committee approve the minutes of the meeting held on 11 February 2004 insofar as they relate to planning application 2/01 as a correct record of that meeting.

11. **Background Papers**

11.1 Minutes of the Development Control Committee meetings held on 11 February 2004 and 17 March 2004.

11.2 Letters of complaint regarding Planning Application P/2677/03/CVA/GM in respect of Timbers, 41 Brookshill, Harrow Weald

11.3 Protocol for Members and Reserve Members when Dealing with Planning Applications and Lobbying.

12. **Author**

12.1 Gerald Balabanoff, Borough Solicitor
E-mail: gerald.balabanoff@harrow.gov.uk
Telephone : Extension 2260