



**SOLIHULL METROPOLITAN BOROUGH  
COUNCIL**

**TOWN AND COUNTRY PLANNING ACT 1990 etc**

**THE METROPOLITAN BOROUGH OF SOLIHULL  
(FOOTPATH U26, HASLUCKS GREEN ROAD,  
SHIRLEY)(No.2) PUBLIC PATH STOPPING UP ORDER  
2007**

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**APPENDICES to PROOF OF  
EVIDENCE**

**Piers Cockroft**

**FOR THE LOCAL HIGHWAY AUTHORITY**

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Local inquiry date: 7<sup>th</sup> May 2008

## **Appendices**

1. Planning and Regulatory Terms of Reference (including copy of full cabinet minutes showing amendments and ratification)
2. Plan showing context of development, to include illustration of current and alternative footpath alignment
3. Copy of newspaper showing advertisement of order
4. Copy of objections submitted to Secretary of State
5. Diversion order plan
6. Copy of letter from Shirley Advance

## **Appendix 1**

**Planning and Regulatory Terms of Reference  
(including copy of full cabinet minutes showing  
amendments and ratification)**

METROPOLITAN BOROUGH COUNCIL - 16 JULY 2002

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COUNCIL HOUSE  
SOLIHULL  
WEST MIDLANDS  
B91 3QS

10 July 2002

To the Members of the Council of the  
Metropolitan Borough of Solihull

Dear Member

You are hereby summoned to attend a meeting of the Council of the Metropolitan Borough of Solihull, to be held in the Council Chamber, Civic Suite, Solihull on 16 July 2002 at 5 30 p.m. for the transaction of the following business, viz. -

1. To approve as a correct record the Minutes of the meeting of the Council held on 16 April and 14 May 2002.
2. To receive any declarations of interest from members
3. To receive petitions from Members of the Council.
4. To receive any announcements from the Mayor, Leader of the Council or members of the Cabinet.
5. To answer questions asked by residents of the Borough pursuant to Standing Order 9 and to hear petitioners or deputations in accordance with Standing Order 12. Mrs. McLaughlin has given notice that she wishes to address council on the subject of the lake in Meriden Park. She will be introduced by Councillor Moore
6. To answer questions asked pursuant to Standing Order 8
7. To receive reports from the Leader of the Council, the Cabinet or individual members of the Cabinet and receive questions and answers on any of these reports. The Leader will present the Best Value Performance Plan to council in accordance with the decision of the Cabinet on 18<sup>th</sup> June 2002. A copy of the plan is enclosed.
8. To receive minutes of the Overview and Scrutiny Boards-
  - (a) Overview and Scrutiny Management Board
  - (b) Education and Children Overview and Scrutiny Board
  - (c) Housing Social Care and Health Overview and Scrutiny Board
  - (d) Regeneration, Leisure and Environment Overview and Scrutiny Board
9. To receive minutes of the following committees -
  - (a) Standards Committee
  - (b) General Purposes Committee
  - (c) Planning and Regulatory Committee

(NOTE: Items in Committee reports marked "EP" in the margin have been dealt with under Executive Powers delegated by the Council.)
10. To receive reports about and receive questions and answers on the business of joint arrangements and external organisations
11. The Chief Executive to report on any urgent matters.
12. To consider any motions notice of which has been given pursuant to Standing Order 6

Yours sincerely

**KATHERINE KERSWELL**

Chief Executive

**PLANNING AND REGULATORY COMMITTEE - 20 JUNE 2002**

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**PLANNING AND REGULATORY COMMITTEE**

**20 JUNE 2002**

Present Councillor L W P Kyles (Chairman); Councillors Cox, Harrop, Hill, Lewis, Mrs Pittaway, Ryan (Substitute), Skelding, Watts (Substitute), Windmill and Mrs Worsley.

**1. CONFIRMATION OF APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN**

**RESOLVED**

That Councillor L W P Kyles be confirmed as Chairman and Councillor R Lewis be confirmed as Vice-chairman of the Planning and Regulatory Committee for the forthcoming Municipal Year

**2. DECLARATIONS OF INTERESTS**

**RESOLVED**

The Committee noted that there were no declarations of interests recorded for this meeting.

**The following items have been dealt with under Executive Powers and, accordingly, are reported only for the purposes of record and for the information of the Council.**

**3. TERMS OF REFERENCE AND DELEGATIONS**

The Chief Executive sought approval to the terms of reference and delegations relevant to the committee and its Sub-committees. It was explained that under the previous Committee system, powers had been delegated by the Council to Committees and a scheme of delegation also provided for Officers to undertake certain functions.

The Committee noted that generally, the principles of the previous delegations had been carried forward although it was noted that some functions, which had previously been exercised by the Planning committee, were now executive functions which were now the responsibility of the Cabinet and, as such, were subject to separate delegations.

In presenting the report, the Council's Solicitor referred to the terms of reference for the Planning Sub-Committee and, with the approval of the Committee, varied the terms of reference at the following paragraphs, which would now be read as follows:-

- 1 "Making decisions on all the Town and Country Planning and Development Control matters within the Terms of Reference of the Planning and Regulatory Committee provided that applications involving a departure from any approved plan (being departures which need to be referred to the Secretary of State) or contrary to any policy of the Council, shall be determined by the Planning and Regulatory Committee,

- 3 Any matter relating to public rights of way,"

With the approval of the committee, the Council's Solicitor also proposed an amendment at Section A - functions relating to Town and Country Planning and Development Control (1 Power to determine applications for planning permission) and added an additional paragraph to read as follows -

**PLANNING AND REGULATORY COMMITTEE - 20 JUNE 2002**

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"7. Any application for development by a maintained school shall be referred to the Planning Sub-committee to decide whether to determine the application itself or to delegate that function to the Director of Environment Services."

In consideration the report, the Committee had regard to Section B - Licensing and Registration Functions (insofar as not covered by any other paragraph of this Schedule) and was of the view that the following items under that Section should be referred to Licensing Sub-committee for decision:-

9. Power to grant permits in respect of premises with amusements machines.
11. Power to grant permits in respect of premises where amusements with prizes are provided
23. Power to license dealers and game and the killing and selling of game
33. Power to license dangerous wild animals.

**EP**

**RESOLVED**

That the proposed terms of reference and delegations, as amended, be approved.

**4. PLANNING COMMITTEE CODE OF PRACTICE**

A report was submitted which advised the Committee of the revised guidance that had been issued by the Local Government Association on preparing a Local Code of Good Practice for Councillors and Officers dealing with planning matters

The Council had approved a Planning Committee Code of Conduct some years ago, although the requirements of that Code had not been incorporated into the Council's Local Code under the new ethical framework. The Chief Executive stated that the current code should still be regarded as having the status of a Code of Practice.

On 11 April 2002, the Standards Committee had considered the issue and were of the view that the guidance should be drawn to the attention of this Committee with a recommendation that the existing Code of Practice be reviewed in conjunction with Standards Committee. Members were reminded that the Code of Practice was first produced by a small Working Party of the Planning Committee and, in view of the issues involved, Standards Committee had resolved that it would be appropriate for that to provide the basis for a review of the Code with the Standards Committee being represented on such a future Working Party

**EP**

**RESOLVED**

- (i) That the consideration of the above by Standards Committee be noted;
- (ii) That a small Working Party be established on a ratio of 3 to 1 to review the existing Code of Practice; and
- (iii) That a Member of Standards Committee be invited to attend the Working Party as a non-voting Member.

**5. HEALTH AND SAFETY ENFORCEMENT SERVICE PLAN - 2002/2003**

The Director of Environment Services recalled that in September 2001, the Health and Safety Commission (HSC) had issued guidance to Local Authorities using its powers under Section 18 of the Health and Safety At Work Act. It was explained that the guidance was mandatory and was made up of six separate guidance notes and was reported to the former

## PLANNING AND REGULATORY COMMITTEE - 20 JUNE 2002

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Environmental Health Committee at their meeting held in November 2001 Guidance Note 3 required local authorities to provide an annual service plan in respect of its Health and Safety Enforcement Service and gave guidance on what the plan should contain. The Health and Safety Section had, for many years, written and compiled with an annual business plan as part of the Food, Health and Safety Group Business Plan and Departmental Business Plan. The Health and Safety Service Plan for 2002/2003 was submitted for the Committee's consideration

It was further explained that the plan complemented the Food, Health and Safety Group Business Plan and detailed how the Health and Safety Enforcement Service would be provided and included initiatives that would help the Section to work in context with the HSC's Strategic Plan and the Health and Safety Executive/Local Authority Enforcement Liaison Committee Strategy. The Committee was advised that it was a requirement of the HSC Guidance that Local Authorities had their Health and Safety Enforcement Service Plan agreed by their elected Members to ensure local transparency and accountability.

In considering the report, the Committee sought details of whether or not a staff Risk Assessment Plan in relation to staff working on-site either existed or was to be included within the Health and Safety Service Plan

EP

### RESOLVED

- (i) That the production of the Health and Safety Service Plan for 2002/2003 be noted; and
- (ii) That the Plan be approved for use by the Council.

### 6. AIRCRAFT NOISE CONTROLS - DAYTIME - BIRMINGHAM INTERNATIONAL AIRPORT

The Committee was invited to recall that the 1996 Section 106 Agreement required the Airport to undertake a comprehensive review by no later than the 31 October 2001, on whether it was appropriate to introduce policies relating to noise levels outside the night period and to propose details, policies and timings of their introduction for the agreement of the Council. Following events which occurred on September 11<sup>th</sup>, and the impact that those events caused on the Airport, Members of the former Planning Committee, on 24 September, resolved to defer consideration to introduce policies relating to noise levels outside the night flying period until April 2002. The Committee was invited to consider a submission from the Airport which set out the Airport Companies proposal for the introduction of daytime noise level controls, which took into account good practices being applied at other comparable UK Airports.

The Director stated that in his view, the proposals by the Airport were reasonable and showed a commitment to the control of daytime noise levels which the Council had required on the Airport since 1996. The Airport Working Party had considered this matter at their meeting held on 5 June 2002, and found the submission satisfactory. The Committee was advised that the proposed daytime noise level document would undergo a six month consultation period with operating airlines and would then be reported back to the Planning and Regulatory Committee in January 2003, for further consideration.

In considering the report, the Committee found the proposals broadly acceptable but were of the view that once implemented, there needed to be a review of the controls after the second year and on an annual basis thereafter.

## PLANNING AND REGULATORY COMMITTEE - 20 JUNE 2002

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**EP RESOLVED**

- (i) That the proposed daytime noise level document, as submitted by Birmingham International Airport be approved,
- (ii) That a further report be submitted in 6 month's time following the consultation of the proposals with the operating airlines; and
- (iii) That once implemented, the controls be subject to a review, initially after a 2 year period, with further reviews taking place on an annual basis thereafter

**7. TREE PRESERVATION ORDER APPEALS PANEL - APPOINTMENT OF MEMBERSHIP FOR 2002/2003**

The Chief Executive reported that the former Planning Committee had established a Tree Preservation Order Appeals Panel whose purpose was principally to consider unresolved objections to Tree Preservation Orders. The Panel acted under powers delegated to it by the Council's Planning and Regulatory Committee and had Executive Powers to make decisions. The Planning and Regulatory Committee was invited to reappoint the Panel for the forthcoming year, noting that each Panel meeting was to be comprised of not less than 3 elected Members of the Council with at least two of whom not representing a Ward within which a particular Order was to be considered to avoid a conflict of interests. It was also noted that the Panel was not configured on any political basis and the Chairman and Vice-chairman of the Panel were to be Members of the Planning and Regulatory Committee with the third member of the Panel being drawn from the Council as a whole.

**EP RESOLVED**

That Councillor Cornock be appointed Chairman and Councillor S Davis be appointed Vice-chairman of the Tree Preservation Order Appeals Panel for the forthcoming Municipal Year

**8. MINUTES**

The following Minutes were received -

- (a) Tree Preservation Order Appeals Panel - 10 April 2002.
- (b) Conservation Advisory Committee - 11 March 2002, 22 April 2002, 20 May 2002 and 10 June 2002.
- (c) Airport Working Party - 5 June 2002
- (d) Planning Sub-committee - 13 March 2002, 3 April 2002, 24 April 2002 and 22 May 2002
- (e) Licensing Sub-committee - 2 April 2002, 30 April 2002 and 29 May 2002

**EP RESOLVED**

That the contents of the Minutes be noted.

PLANNING AND REGULATORY COMMITTEE - 20 JUNE 2002

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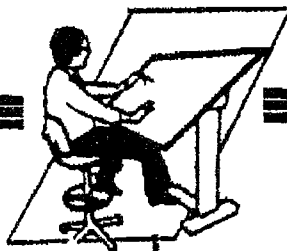
**9. EXCLUSION OF THE PUBLIC AND PRESS**

**EP RESOLVED**

That, in pursuance of Section 100A(4) of the Local Government Act 1972, the Press and the Public be now excluded from the meeting for the remainder of the business to be transacted, on the grounds that there would be disclosure to them of exempt information in terms of paragraphs 11 & 13 of Part 1 of Schedule 12A to the said Act.



**Solihull**  
METROPOLITAN  
BOROUGH COUNCIL



**PLANNING and REGULATORY  
COMMITTEE  
AGENDA**

Thursday, 20 June 2002 at 6.00 pm  
Committee Room No. 1 Civic Suite



**Solihull**  
METROPOLITAN  
BOROUGH COUNCIL

To the Chairman and Members  
of the Planning and Regulatory  
Committee. Councillors Kyles,  
Lewis, Cornock, Cox, Davis,  
Harrop, Hill, Mrs Pittaway,  
Skelding, Windmill and Mrs  
Worsley

KATHERINE KERSWELL  
CHIEF EXECUTIVE

P.O.Box 18 Council House  
Solihull West Midlands B91 3QS  
Tel. 0121-704 6000 Fax 0121-704  
6056

Please ask for: L Stevenson

Email: [leestevenson@solihull.gov.uk](mailto:leestevenson@solihull.gov.uk)

Direct Line: 0121-704 6050

Date: 14 June 2002

Your Ref.

Our Ref. LS/

PLANNING AND REGULATORY COMMITTEE - 20 JUNE 2002

AGENDA

- 1 CONFIRMATION OF APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN
- 2 NOTIFICATION OF SUBSTITUTIONS, IF ANY, FROM MEMBERS OF THE COMMITTEE
- 3 DECLARATION OF INTERESTS, IF ANY, FROM MEMBERS OF THE COMMITTEE
- 4 QUESTIONS AND DEPUTATIONS, IF ANY, FROM CITIZENS OF THE BOROUGH
- 5 REQUESTS TO ATTEND AND ADDRESS THE MEETING, IF ANY, FROM MEMBERS OF THE COUNCIL

REPORTS FOR CONSIDERATION

- 6 TERMS OF REFERENCE AND OFFICER DELEGATIONS  
To seek approval to the terms of reference and delegations relevant to the Committee and Sub-committee.



European Union



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|----|---|-----|
| 7  | <p><b>PLANNING COMMITTEE CODE OF PRACTICE</b><br/>         To advise the Committee of revised guidance issued by the Local Government Association on preparing a Local Code of Good Practice for councillors and officers dealing with planning matters.</p>  | 31  |
| 8  | <p><b>HEALTH AND SAFETY ENFORCEMENT SERVICE PLAN – 2002/2003</b><br/>         To advise Committee of the 2002/03 Health and Safety Service Plan and to seek approval for it's use by this Council.</p>  | 59  |
| 9  | <p><b>AIRCRAFT NOISE CONTROLS – DAYTIME – BIRMINGHAM INTERNATIONAL AIRPORT</b><br/>         To consider agreeing the introduction of daytime noise level controls at Birmingham International Airport.</p>  | 98  |
| 10 | <p><b>TREE PRESERVATION ORDER APPEALS PANEL – APPOINTMENT OF MEMBERSHIP FOR 2002/2003</b><br/>         To appolnt the membership of the Panel for 2002/2003.</p>  | 104 |
| 11 | <p><b>MINUTES FOR INFORMATION</b><br/>         Tree Preservation Order Appeals Panel – 10 April 2002<br/>         Conservation Advisory Committee – 11 March 2002<br/>         Conservation Advisory Committee – 22 April 2002<br/>         Conservation Advisory Committee – 20 May 2002<br/>         Conservation Advisory Committee – 10 June 2002 (to follow)<br/>         Airport Working Party – 5 June 2002<br/>         Planning Sub Committee – 13 March 2002<br/>         Planning Sub Committee – 3 April 2002<br/>         Planning Sub Committee – 24 April 2002 (to follow)<br/>         Planning Sub Committee – 22 May 2002 (to follow)<br/>         Licensing Sub Committee – 2 April 2002<br/>         Licensing Sub Committee – 30 April 2002<br/>         Licensing Sub Committee – 29 May 2002</p> <p><b>The meeting is likely not to be open to the public during discussion of the following items because the reports contain exempt information as defined in Schedule 12A to the Local Government Act 1972.</b></p> | 105 |
| 12 | <p><b>MINUTES FOR INFORMATION</b><br/>         Planning Sub Committee – 13 March 2002<br/>         Planning Sub Committee – 3 April 2002<br/>         Planning Sub Committee – 24 April 2002 (to follow)<br/>         Licensing Sub Committee – 28 February 2002<br/>         Licensing Sub Committee – 2 April 2002<br/>         Licensing Sub Committee – 30 April 2002<br/>         Licensing Sub Committee – 29 May 2002</p>  | 140 |

## **PLANNING AND REGULATORY COMMITTEE**

**20 JUNE 2002**

### **REPORT OF CHIEF EXECUTIVE**

#### **6. TERMS OF REFERENCE AND DELEGATIONS**

##### **6.1 Purpose of Report**

To seek approval to the terms of reference and delegations relevant to the Committee and Sub-committee.

##### **6.2 Background**

- 6.2.1 Under the previous Committee system, powers were delegated by the Council to Committees and a scheme of delegation provided for officers to undertake certain functions.

##### **6.3 Delegations**

- 6.3.1 Generally, the principles of the previous delegations have been carried forward but it should be noted that some functions which were previously exercised by the Planning Committee are now executive functions which are the responsibility of the Cabinet and are subject to separate delegations.

#### **EP FOR DECISION**

To approve the proposed terms of reference and delegations.

