

Public Document Pack



Chairman and Members of the
Council

Your contact: Martin Ibrahim
Ext: 2173
Date: 16 May 2018

cc. All other recipients of the
Council agenda

Dear Councillor

ANNUAL COUNCIL - 16 MAY 2018: SUPPLEMENTARY AGENDA

Please find attached additional documents for the above meeting:

8. Public Questions (Pages 3 - 6)

10. Executive Report - 24 April 2018

(A) Community Governance Review of Bishop's Stortford Town Council
(Pages 7 - 12)

Letter from Thorley Parish Council and Map enclosed.

12. Review of the Council's Decision-Making Arrangements (Pages 13 - 16)

*Updated Essential Reference Paper 'D' enclosed which replaces the version
included on the original agenda.*

Yours faithfully

Martin Ibrahim
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Democratic Services
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MEETING : ANNUAL COUNCIL
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 16 MAY 2018
TIME : 7.00 PM

ANNUAL COUNCIL – 16 MAY 2018

PUBLIC QUESTIONS

Question 1

Colin Arnott, Thorley, to ask the Leader of the Council:

With reference to the report by the Head of Legal and Democratic Services Monitoring Officer, re: Recommendations to the Council from the Executive at para. 7.34, I note that the Draft Recommendation now proposes to make more limited changes to the Thorley Parish boundary than that requested by the Town Council. However, with regard to the areas still recommended for transfer to Bishop`s Stortford, whilst seeing the logic of a CGR to unify St Michaels Mead, the site south of Whittington Way is an entirely different issue. Why is a CGR of 53 ha's of agricultural land with no residents required at this time - or if ever? The Town Council (para.7.9) suggest that, if and when this site is developed, future residents "are likely to feel of part of Bishop`s Stortford" yet offer no compelling evidence for this, and indeed, the consultations with existing Thorley residents suggest the opposite. Is therefore a CGR of this area appropriate at this time or should it be left to await the outcome of any potential development and the actual views of any future residents?

Question 2

Roger Halford, Thorley, to ask the Leader of the Council:

What was the compelling evidence submitted to Bishop's Stortford Town Council that must have caused them to ask for a Community Governance Review to make drastic change to the town boundary with Thorley Parish, probably leading to demise of the parish? Now that a considerably changed version of the request has been put forward through the Executive, has the BSTC original request been withdrawn and a new CGR proposed by EHDC? If a new CGR is put forward by EHDC should this not be considered by an independent body having no interest in the outcome?

Question 3

Anthony Robins, Thorley, to ask the Leader of the Council:

This review is stated to be in response to the request for boundary change by BSTC. Given that the draft recommendations following the opinion expressed both by the Scrutiny and Executive committees differ so significantly in both fact and degree from the original BSTC request, would it not now be sensible for BSTC to submit a revised request, and for Thorley parish council to submit its own counter proposal before the second consultation?

Question 4

Russell Cox, Bishop's Stortford, to ask the Leader of the Council:

Would the Executive member agree that, given that Thorley and Bishop's Stortford have equal status as parishes, there is no reason why the proposed development land cannot remain in Thorley?

Question 5

Janet Rolph, Thorley, to ask the Leader of the Council:

Thorley is a parish of scattered, identifiable communities, each focusing on different activities because of circumstances, but also having in common tradition, sense of place, and linkages homing in from settlements all around to its central village church. It already has community, connectivity and cohesion that Community Governance Reviews are meant to achieve. On what grounds therefore, and with what benefits for Thorley Street and Pig Lane residents, can the boundary move to the bypass, allowing encroachment of town into the very middle of parish land, be justified?

Question 6

Sylvia McDonald, Thorley, to ask the Leader of the Council:

Why are two quite different issues, with nothing in common apart from being two examples of Bishop's Stortford town interests straddling Thorley village boundary, being linked together in one of the EHDC CGR recommendations [(B)2] proposed ostensibly as meeting the "need to secure community governance which is reflective of the identities and interests of the community in that area"? Looking at order of magnitude, some 16% of a town housing estate community physically falls in Thorley parish territory at its very western edge in the one case [St Michael's Mead], and in the other some 95% of parish territory is being proposed for what is town urban extension and encroachment into the very middle of the village environs right up close to two of the scattered communities that categorise so many of our rural Hertfordshire villages. They are different issues needing separate procedural treatment.

Question 7

Robin Lumsden, Thorley, to ask the Leader of the Council:

Does the combined effect of recommendations 3 and 4 mean that on a map of the proposed boundaries, if a straight line were drawn from end to end east - west following the line of the bypass across the areas, there would be ward boundary crossings from Thorley urban, into B.S. South, Thorley urban again, then Thorley rural? This arrangement does not lend itself to achievement of good governance and would mimic the already existing anomaly in Church Lane which has not been addressed in the BSTC's original request for boundary change.

Question 8

Ann Lowe, Bishop's Stortford, to ask the Leader of the Council:

Will the numbered recommendations under (B) be taken individually in turn, with any subsequent recommendations (or parts of recommendations) withdrawn if precluded by earlier approval or rejection of recommendations (or parts of recommendations)? Also, will a recommendation, linking together two unrelated issues, for example recommendation (B)2, be treated as two separate recommendations?

THORLEY PARISH COUNCIL



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and Monitoring Officer
East Herts District Council
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11th May 2018

Community Governance Review
Bishop's Stortford Town Council

Thorley Parish Council Response to Report by East Herts Legal & Democratic Services

Dear Ms Stuart,

1. I write on behalf of Thorley Parish Council. This matter concerns an application by Bishop's Stortford Town Council to replace Thorley Parish Council in local governance, except for the rural ward, leading to the effective extinguishment of Thorley Parish Council.
2. The grounds upon which the Town Council bases the reason for this application are set out in the Terms of Reference as "having regard to development likely to occur either as already consented or envisaged within the draft District Plan, in particular to the south of the town at St Michael's Mead and Bishop's Stortford South, parts of which development areas currently fall within Thorley parish".
3. To put this into a governance context, the differences in size and distance apart of these two developments can be seen from recognition of the facts that 16% of longtime existing St Michael's Mead housing estate is located in the far west corner of Thorley parish while an estimated 95% of the 53 ha of prime agricultural area targeted for development south of the town is located in the east of Thorley parish. The Town Council "considers that these existing and planned developments are or will be seen by residents as part of Bishop's Stortford".

4. This is not a ground compatible with good governance as set out in paras 1.7 through 1.9 of the Terms of Reference, nor was response from public consultation supportive of the proposal.
5. The formal request was made in December 2016 and began on 12th February 2018 with the publication of the Terms of Reference. The first period of consultation was completed on 6th April 2018. On 17th April 2018 the Scrutiny Committee examined the responses received from 125 individuals and organisations [114 opposing the town council's application and 8 in favour]. Additionally, 394 proforma letters of objection were received and 960 signatures on a petition calling for no change.
6. The Scrutiny Committee did not reach a consensus of opinion, and on the 24th April the Town Council application was put before the Executive Committee, which decided after lengthy debate that it too did not accept the Town Council's proposal.
7. The Report now written by the Head of Legal & Democratic Services for the purpose of reporting to the Annual Council on 16th May is misleading and wrong, in that it omits to record the views of the Scrutiny Committee and goes on in para 7.3 to revise the Town Council request stating that *The Executive RESOLVED:-*
 - *That the Council be recommended to include in the draft recommendations of the review a change to the parish boundary between Bishop's Stortford and Thorley, such that the whole of St Michael's Mead development and the proposed area of further housing development south of Whittington Way be incorporated within Bishop's Stortford; and*
 - *That the Council be recommended that Thorley Street and the areas east of London Road and the railway [sic], including Pig Lane and Twyfordbury Lane should remain part of Thorley parish, reflecting their more rural nature and securing the viability of the revised Thorley parish area.*
8. The legal department has no power to resolve anything, therefore the apparent Resolutions contained in para 7.3 are irrelevant and should not be put before the Council on 16th May.
9. This is the Town Council application, but the Report shows that East Herts through its legal department has attempted to substitute East Herts for the Town Council. The conduct of East Herts is certainly irregular and open to serious criticism, possibly even to legal challenge.

10. Moreover, mindful of the stringent Guidance binding a principal authority to adherence to the rules governing boundary change, it is difficult to see how the revised recommendations in the Report written by East Herts legal department remain based on the same grounds presented in the original Town Council application.
11. In particular, it is not feasible for the Council to treat revised recommendation (B)2 as a single entity.
12. Thorley Parish Council maintains that East Herts, as the promoter of draft District Plan policy BISH5, has a vested interest completely separate from deciding parish boundaries, and that EHDC should therefore not be the deciding authority in the matter.
13. Bearing the above in mind, East Herts has to be very careful to be impartial. What has happened so far is not encouraging.
14. The Report should be either withdrawn or rewritten, since the full Council needs to have accurate and full information in order to arrive at an impartial decision.
15. Para 7.26 is highly contentious in that it is presented as a fact that the proposed development does not fall in the village of Thorley. Thorley Parish Council vehemently disputes this, and the Report should reflect this.
16. Thorley Parish Council believes, in accordance with both the spirit and letter of the Community Governance Review Guidance, that the Scrutiny and Executive Committees having both decided that they did not accept the Town Council proposals, it is now up to the Town Council, either to withdraw that part of their application relating to alteration of the civil boundary between Bishop's Stortford and Thorley, or to submit a new or revised one.
17. The proper course of action is to refer the matter back to the Town Council for revision.

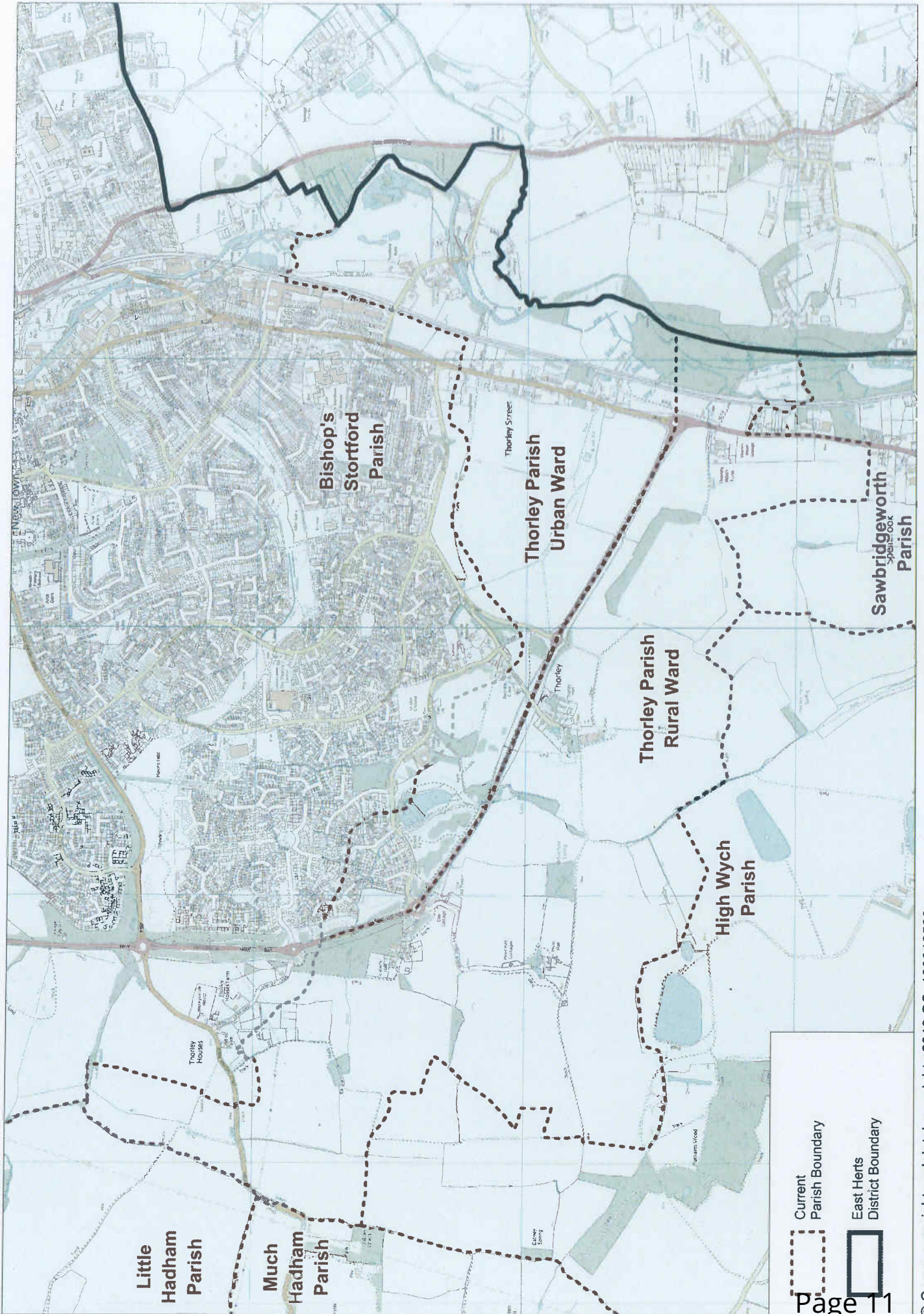
I trust that this notification of the legal concerns held by Thorley Parish Council will reach the Annual Council meeting scheduled to meet on 16th May 2018.

Yours sincerely

Clir AKW Robins

Copied to: John Williams Esq
Clir G McAndrew,
Clir I Devonshire

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Essential Reference Paper 'D'
(updated)

Overview and Scrutiny Committee
14 seats

13 Conservative			
1	Abbott	8	Drake
2	Allen (Chairman)	9	Hollebon
3	Bull	10	J Jones
4	Casey	11	Moore
5	Cutting	12	Stevenson
6	Deering	13	Symonds
7	Devonshire		
1 Vacancy			
1			

Subs:
Andrews
Kenealy
Snowden
Warnell

Performance, Audit and Governance Scrutiny Committee
14 seats

14 Conservative			
1	Alder	8	Pope (Chairman)
2	Ballam	9	Radford
3	Boylan	10	Reed
4	Cousins	11	Ruffles
5	Crofton	12	Stainsby
6	Oldridge	13	Stowe
7	Page	14	Wyllie

Subs:
Brunton
Henson
Mortimer
Woodward

**Development Management Committee
12 seats**

12 Conservative

1	Allen	7	Deering
2	Andrews	8	J Jones
3	Boylan	9	Page (Chairman)
4	Brunton	10	Ruffles
5	Bull	11	Stowe
6	Casey	12	Warnell

Subs:
Ballam
Cousins
Kaye
Oldridge

**Human Resources Committee
7 seats**

7 Conservative

1	Boylan	5	Ruffles
2	Bull	6	Stevenson
3	Cousins	7	Woodward (Chairman)
4	McMullen		

Subs:

**Licensing Committee
12 seats**

12 Conservative

1	Andrews (Chairman)	7	Deering
2	Ballam	8	J Jones
3	Brunton	9	McMullen
4	Cheswright	10	Page
5	Crofton	11	Stevenson
6	Cutting	12	Symonds

Subs:

**Chief Officer Recruitment Committee
5 seats**

5 Conservative

1	Boylan	4	Rutland-Barsby
2	Haysey	5	Woodward
3	G Jones		

Subs:

**Revenues and Benefits Joint Committee
3 seats**

3 Conservative

1	Buckmaster	3	Williamson
2	Radford		

Subs:
Woodward

**CCTV Joint Executive
3 seats**

3 Conservative

1	McAndrew	3	Williamson
2	Stevenson		

Subs:

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