

Public Document Pack

EAST HERTFORDSHIRE DISTRICT COUNCIL

NOTICE IS HEREBY GIVEN that a meeting of East Hertfordshire District Council will be held in the Council Chamber, Wallfields, Hertford on Wednesday 17th October, 2018 at 7.00 pm, for the purpose of transacting the business set out in the Agenda below, and you are hereby summoned to attend.

Dated this 8th day of October 2018

Alison Stuart
Head of Legal and
Democratic Services

Note: Prayers will be said before the meeting commences. Those Members who do not wish to participate will be invited to enter the Chamber at their conclusion

AGENDA

1. Chairman's Announcements

To receive any announcements.

2. Apologies for Absence

To receive any Members' apologies for absence.

3. Minutes (Pages 7 - 32)

To approve as a correct record and authorise the Chairman to sign the Minutes of the Council meetings held on 25 July and 11 September 2018.

4. Declarations of Interest

To receive any Members' declarations of interest.

5. Petitions

To receive any petitions.

6. Public Questions

To receive any public questions.

7. Members' questions (Pages 33 - 34)

To receive any Members' questions.

8. Executive Report - 11 September 2018 (Pages 35 - 58)

To receive a report from the Leader of the Council and to consider recommendations on the matters below:

(A) Bishop's Stortford Community Governance Review_(Pages 59 - 154)

(B) Buntingford Town Council Community Governance Review_(Pages 155 - 198)

(C) Eastwick and Gilston Community Governance Review_(Pages 199 - 230)

(D) Council Tax Support Scheme

(E) Land East of Stevenage Masterplanning Framework

9. Review of the Allocation of Seats on Committees (Pages 231 - 236)

To consider a report of the Head of Legal and Democratic Services.

10. Licensing Committee: Minutes - 14 March 2018 (Pages 237 - 244)

Chairman: Councillor D Andrews

11. Development Management Committee: Minutes - 20 June and 18 July 2018 (Pages 245 - 326)

Chairman: Councillor T Page

12. Overview and Scrutiny Committee: Minutes - 10 July 2018 (Pages 327 - 338)

Chairman: Councillor M Allen

13. Performance, Audit and Governance Scrutiny Committee: Minutes - 24 July 2018 (Pages 339 - 356)

Chairman: Councillor M Pope

14. Human Resources Committee: Minutes - 25 July 2018 (Pages 357 - 362)

Chairman: Councillor P Boylan

15. Motions on Notice

To receive Motions on Notice.

DISCLOSABLE PECUNIARY INTERESTS

1. A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:
 - must not participate in any discussion of the matter at the meeting;
 - must not participate in any vote taken on the matter at the meeting;
 - must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
 - if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
 - must leave the room while any discussion or voting takes place.
2. A DPI is an interest of a Member or their partner (which means spouse or civil partner, a person with whom they are living as husband or wife, or a person with whom they are living as if they were civil partners) within the descriptions as defined in the Localism Act 2011.
3. The Authority may grant a Member dispensation, but only in limited circumstances, to enable him/her to participate and vote on a matter in which they have a DPI.
4. It is a criminal offence to:
 - fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
 - fail to notify the Monitoring Officer, within 28 days, of a DPI that is not on the register that a Member disclosed to a meeting;
 - participate in any discussion or vote on a matter in which a Member has a DPI;
 - knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such interest to a meeting.

(Note: The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.)

Public Attendance

East Herts Council welcomes public attendance at its meetings and will provide a reasonable number of agendas for viewing at the meeting. Please note that there is seating for 27 members of the public and space for a further 30 standing in the Council Chamber on a “first come first served” basis. When the Council anticipates a large attendance, an additional 30 members of the public can be accommodated in Room 27 (standing room only), again on a “first come, first served” basis, to view the meeting via webcast.

If you think a meeting you plan to attend could be very busy, you can check if the extra space will be available by emailing democraticservices@eastherts.gov.uk or calling the Council on 01279 655261 and asking to speak to Democratic Services.

Audio/Visual Recording of meetings

Everyone is welcome to record meetings of the Council and its Committees using whatever, non-disruptive, methods you think are suitable, which may include social media of any kind, such as tweeting, blogging or Facebook. However, oral reporting or commentary is prohibited. If you have any questions about this please contact Democratic Services (members of the press should contact the Press Office). Please note that the Chairman of the meeting has the discretion to halt any recording for a number of reasons, including disruption caused by the filming or the nature of the business being conducted. Anyone filming a meeting should focus only on those actively participating and be sensitive to the rights of minors, vulnerable adults and those members of the public who have not consented to being filmed.

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MINUTES OF A MEETING OF THE
COUNCIL HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 25 JULY 2018, AT 7.00 PM

PRESENT: Councillor K Warnell (Chairman).
Councillors A Alder, M Allen, D Andrews,
P Ballam, P Boylan, R Brunton,
E Buckmaster, M Casey, Mrs R Cheswright,
K Crofton, S Cousins, G Cutting, B Deering,
I Devonshire, H Drake, J Goodeve, B Harris-
Quinney, L Haysey, R Henson,
Mrs D Hollebon, J Jones, J Kaye,
G McAndrew, M McMullen, P Moore,
T Page, M Pope, L Radford, P Ruffles,
S Rutland-Barsby, M Stevenson, T Stowe,
N Symonds, J Taylor, G Williamson,
C Woodward and J Wyllie.

OFFICERS IN ATTENDANCE:

Jonathan Geall	-	Head of Housing and Health
Martin Ibrahim	-	Democratic Services Team Leader
Jess Khanom	-	Head of Operations
Anjeza Saliyaj	-	Project Manager
Helen Standen	-	Director
Alison Stuart	-	Head of Legal and Democratic Services
Rhys Thomas	-	Theatre Director and Arts Advisor
Liz Watts	-	Chief Executive

ALSO IN ATTENDANCE:

Malcolm Hewines - Montagu Evans

129 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Members, guests and the public to the meeting and reminded everyone that the meeting was being webcast.

The Chairman reminded Members of the recent sad news relating to former Councillor and Honorary Alderman John Reynolds, who had passed away. He had represented Buntingford ward from 1973 until 1995 and had been appointed an Honorary Alderman in 2007.

The Chairman also referred to the recent passing of former Councillor Michael Freeman and invited the Leader to say a few words.

The Leader commented that although Michael had only been a councillor for three years, he had made a significant contribution and had always made himself available to invitations to provide assistance on any project. He had chaired the Waste and Recycling Services task and finish group, and had also contributed to the Sustainable Transport task and finish group.

The Leader paid tribute to his campaigning work on protecting public transport, particularly, in respect of the bus replacement service on the Hertford North – Stevenage line and bus services generally. She also

referred to the Planning Policy team, who wished to register the support Michael had always given them in their important work.

The Leader concluded by expressing her sorrow and said she would miss his wisdom and conviviality.

Councillor T Page also paid tribute to Michael Freeman's public service and referred to his time as Vice-Chairman of the Development Management Committee, when he had given much support to him and the Committee in general.

The Chairman added his words of sorrow in paying tribute to Michael Freeman. As a mark of respect in memory of both John Reynolds and Michael Freeman, Members stood and observed a minute's silence.

On a happier note, the Chairman was pleased to welcome some special local residents who had been recognised in this year's Queen's New Year Honours list. He introduced Graham Hoare and Keith Batchelor.

Graham Hoare was Ford Motor Company's Director of Global Vehicle Evaluation and Verification, responsible for Ford's test and development operations worldwide. In addition, Graham led the Dunton Technical Centre in Essex, the largest automotive research and development facility in the UK.

In addition to Graham's role in Ford, he had been a champion for the automotive industry in the UK. He had become actively involved in the UK Automotive Council, established in 2009, to enhance dialogue and strengthen co-operation between the government and the automotive

sector. The Council was made up of senior figures from across industry and government and met regularly to progress strategic issues and opportunities for the UK.

Keith Batchelor represented HertsWatch, the umbrella body for the various Neighbourhood Watch schemes across the county, in one of the biggest and most successful crime prevention initiatives ever, involving millions of people across the country. HertsWatch had been awarded the Queen's Award for Voluntary Service, an accolade that was the equivalent of an MBE for groups, charities and associations.

Through the OWL system, HertsWatch had direct contact with 137,000 households and was one of the biggest Neighbourhood Watch networks in the UK. This was a fantastic initiative, helping to reduce the fear of crime and increasing feelings of safety.

The Chairman invited each award recipient to come forward and receive a certificate in recognition of their achievements.

The Chairman gave a brief overview of the events he had attended recently. In particular, he referred to the Green Flag award achieved for the Southern Country Park and The Ridgeway and expressed his thanks to Ian Sharratt and his team for their efforts.

The Chairman also remarked on the 100th birthday celebrations he had attended at Simon Balle School and the continuing inter-faith meetings organised with the Vice-Chairman. He gave notice of various forthcoming events and highlighted a diversity event to be held at Fletchers

Lea, Ware on 18 November 2018.

130 APOLOGIES FOR ABSENCE

Apologies for absence had been submitted on behalf of Councillors D Abbott, S Bull, G Jones and R Standley.

131 MINUTES

The Chairman moved, and Councillor L Haysey seconded, a motion that the Minutes of the previous meeting be approved as a correct record and signed by the Chairman.

After being put to the meeting, and a vote taken, this was declared CARRIED.

RESOLVED – that the Minutes of the Annual Council meeting held on 16 May 2018, be approved as a correct record and signed by the Chairman.

132 PETITIONS

The Chairman advised of a recent e-petition containing 39 signatures requesting the Council to hold a public meeting in Thorley in respect of the Bishop's Stortford Community Governance Review. The request had been agreed and a well-attended public meeting had been held in the previous week. As a result, the public consultation deadline had been extended by two weeks until 10 August 2018.

133 PUBLIC QUESTIONS

Colin Arnott, Thorley, welcomed the fact that, despite

paragraph 2.23 of the Leader's report on the Bishop's Stortford South Masterplan Framework concluding that it "provides a sound basis upon which to move forward to prepare the detailed application", she is reported as saying "there is still a long way to go with these plans and the Steering Group will continue". If so, he asked the Leader if the Council to advise of the next Steering Group meeting date and whether the agenda will include consideration of the strategic traffic impact on the town and the phasing of development starting with 142 houses on Whittington Way recommended to the Council today, but not included in the Masterplan. Also, he asked whether the Steering Group will be expanded to include Bishops Stortford Town Council, HCC and non-statutory stakeholders such as the Civic Federation and OTTRA (the only such stakeholders to give evidence to the District Plan hearings on Bishop's Stortford South) as required by District Plan policies BISH5 and DES1.

In reply, the Leader reiterated that Council was being asked to consider a framework only and that there was still a long way to go in terms of adding the detail. The steering group would continue to meet, although the date for the next meeting had yet to be scheduled. Master planning was a policy within the District Plan and it was intended that such groups would be established for all of the strategic sites as they came forward.

The steering group had included representative councillors from town, district and county council as well as Thorley Parish Council, officers and the developers. Other statutory and non-statutory stakeholders could also be invited to particular meetings to consider relevant topics. There had been extensive discussions around traffic

movement on site and off site, the siting of the school and the importance of having sustainable transport options in at the beginning.

The Leader commented that Bishop's Stortford South or BISH5 in the plan was a site for around 750 homes, some of which in the region of 142, were in the parish of Bishop's Stortford, with the remainder in the parish of Thorley. However, in terms of District Plan and development management policies it was one site, so there appeared to be a misunderstanding in the question about lines on a map.

In terms of traffic congestion, the Leader stated East Herts' commitment to implementing the Hertfordshire County Council LPT4, which put pedestrians at the forefront. It would be important to put in place options right from the beginning, so cycle ways had to work, pedestrians had to feel safe and getting to school must be easy. She concluded by commenting that the County Council would have objected to the Plan if it felt traffic levels would be unacceptable, just as the Inspector did not find this an issue.

Mr Arnott confirmed that he had received an invitation to the next steering group meeting on 2 August 2018.

In reply to a supplementary question on the timing of the framework, the Leader reiterated the work still to be done and reminded Members that the Inspector had made it clear that the Council should take note of the developers' aspirations on timescales and should not be an impediment to any planning applications.

134 EXECUTIVE REPORT - 12 JUNE AND 17 JULY 2018

The Chairman reminded Members that some elements of the Executive report contained exempt information as defined in paragraph 3 of Part I of Schedule 12A to the Local Government Act 1972. As such, if any Member wished to refer to any exempt details, then the press and public could be excluded from the meeting.

RESOLVED – that the Minutes of the Executive meetings held on 12 June and 17 July 2018 be received.

(see also Minutes 135 – 143)

135 GILSTON AREA CONCEPT FRAMEWORK

Council considered a report seeking approval of the Gilston Area Concept Framework (July 2018). The Leader of the Council advised that the Inspector had found the proposed District Plan to be “sound”, and as such, would be submitted for formal adoption to an Extraordinary Council meeting on 11 September 2018.

In relation to the Gilston Area Concept Framework, Councillor R Brunton praised the efforts of Officers, the Leader and members of the local community to reach this stage.

The Leader moved, and Councillor E Buckmaster seconded, the recommendation now detailed. After being put to the meeting, and a vote taken, the recommendation was declared CARRIED.

Council approved the recommendation now detailed.

RESOLVED – that the Gilston Area Concept Framework version dated July 2018, as detailed at Essential Reference Paper 'B' to the report submitted, be agreed as the final version for the purposes of considering Recommendations (A) and (C) made by the Executive on 12 June 2018 under Minute 46.

(see also Minute 134)

136 BISHOP'S STORTFORD SOUTH MASTER PLANNING FRAMEWORK

Council considered the Executive's recommendations in respect of the Masterplan Framework for the Bishop's Stortford South site.

Councillors J Wyllie and Mrs D Hollebon referred to local opposition to the identification of this site for development purposes, and spoke of the need to get the best deal possible. They hoped that due regard would be given to the Neighbourhood Plan, especially in terms of traffic congestion on Whittington Way. They also referred to the need for starter homes and the importance of quality house design.

The Leader commented that all these points would be taken on board by the steering group and highlighted the additional recommendation sought by the Executive in respect of seeking high quality employment opportunities.

Councillor L Haysey moved, and Councillor S Rutland-

Barsby seconded, a motion that the recommendations now detailed be approved. After being put to the meeting and a vote taken, the motion was declared CARRIED.

Council approved the recommendations now detailed.

RESOLVED – that (A) the Masterplan Framework for Bishop’s Stortford South, as detailed at Essential Reference Paper ‘B’ to the report submitted, be agreed as a material consideration for Development Management purposes; and

(B) the recommendation in (A) above be subject to the Council seeking the delivery of employment uses and buildings which support high quality employment opportunities reflecting the strategic location of the site in relation to innovative and expanding employment hubs.

(see also Minute 134)

137 SAWBRIDGEWORTH MASTERPLANNING FRAMEWORKS - LAND TO THE NORTH OF AND SOUTH OF WEST ROAD

Council considered the Executive’s recommendation in respect of Masterplan Frameworks for two sites in Sawbridgeworth – Land to the north of and to the south of west Road.

Councillor E Buckmaster commented on his experience of the process which he found to be very constructive and commended it to other Members, where such frameworks would be coming forward.

Councillor E Buckmaster moved, and Councillor A Alder seconded, a motion that the recommendation now detailed be approved. After being put to the meeting and a vote taken, the motion was declared CARRIED.

Council approved the recommendation now detailed.

RESOLVED – that the Masterplanning Frameworks for:

- (i) Land to the north of West Road (SAWB2)
- (ii) Land to the south of West Road (SAWB3)

as detailed at Essential Reference Papers 'B' and 'C' to the report submitted, be agreed as material considerations for Development Management purposes.

(see also Minute 134)

138 HERTFORD THEATRE CAPITAL DEVELOPMENT

Council considered proposals for capital development of Hertford Theatre. Officers provided a presentation of the current situation and the options for future development.

Councillor E Buckmaster referred to the comments of the Overview and Scrutiny Committee and how these had been taken on board.

Councillor E Buckmaster moved, and Councillor L Haysey seconded, a motion that the recommendations now detailed, be approved. After being put to the meeting and a vote taken, the motion was declared CARRIED.

Council approved the recommendations now detailed.

RESOLVED – that (A) the views of Overview and Scrutiny Committee and the Executive as described in paragraph 13 of the report submitted, be received;

(B) the capital investment for the Growth and Legacy Option, as now submitted, be approved;

(C) following the request from Overview and Scrutiny Committee, increased member involvement and engagement as the project develops, be noted; and

(D) subject to funding approval, delegated authority to make decisions relating to the Theatre development project is provided to the Executive Member for Health and Wellbeing with the support of a Theatre project board, comprising the Executive Members of Health and Wellbeing and Finance and Support Services, the Head of Operations, the Chief Finance Officer and a Director.

(see also Minute 134)

139 BRENT PELHAM CONSERVATION AREA APPRAISAL AND
MANAGEMENT PLAN

Council considered the recommendations of the Executive in respect of the Brent Pelham Conservation Area Appraisal and Management Plan.

Councillor S Rutland-Barsby praised the continuing efforts of the Conservation team.

Councillor S Rutland-Barsby moved, and Councillor E Buckmaster seconded, a motion that the recommendations now detailed, be approved. After being put to the meeting, and a vote taken, the motion was declared CARRIED.

Council approved the proposals now detailed.

RESOLVED – that (A) the responses to the public consultation be noted and the Officer responses and proposed changes to the Brent Pelham Conservation Area Character Appraisal and Management Proposals be supported;

(B) authority be delegated to the Head of Planning and Building Control, in consultation with the Executive Member for Development Management and Council Support, to make any further minor and consequential changes to the document which may be necessary; and

(C) the Brent Pelham Conservation Area Character Appraisal and Management Proposals be supported for adoption.

(see also Minute 134)

140 CRABBS GREEN CONSERVATION AREA APPRAISAL AND
MANAGEMENT PLAN

Council considered the recommendations of the Executive

in respect of the Crabbs Green Conservation Area Appraisal and Management Plan.

Councillor S Rutland-Barsby moved, and Councillor M Allen seconded, a motion that the recommendations now detailed, be approved. After being put to the meeting, and a vote taken, the motion was declared CARRIED.

Council approved the proposals now detailed.

RESOLVED – that (A) the responses to the public consultation be noted and the Officer responses and proposed changes to the Crabbs Green Conservation Area Character Appraisal and Management Proposals be supported;

(B) authority be delegated to the Head of Planning and Building Control, in consultation with the Executive Member for Development Management and Council Support, to make any further minor and consequential changes to the document which may be necessary; and

(C) the Crabbs Green Conservation Area Character Appraisal and Management Proposals be supported for adoption.

(see also Minute 134)

141 LITTLE AMWELL CONSERVATION AREA APPRAISAL AND
MANAGEMENT PLAN

Council considered the recommendations of the Executive in respect of the Little Amwell Conservation Area Appraisal

and Management Plan.

Councillor S Rutland-Barsby moved, and Councillor J Jones seconded, a motion that the recommendations now detailed, be approved. After being put to the meeting, and a vote taken, the motion was declared CARRIED.

Council approved the proposals now detailed.

RESOLVED – that (A) the responses to the public consultation be noted and the Officer responses and proposed changes to the Little Amwell Conservation Area Character Appraisal and Management Proposals be supported;

(B) authority be delegated to the Head of Planning and Building Control, in consultation with the Executive Member for Development Management and Council Support, to make any further minor and consequential changes to the document which may be necessary; and

(C) the Little Amwell Conservation Area Character Appraisal and Management Proposals be supported for adoption.

(see also Minute 134)

142 GREAT HORMEAD CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN

Council considered the recommendations of the Executive in respect of the Great Hormead Conservation Area Appraisal and Management Plan.

Councillor S Rutland-Barsby moved, and Councillor T Stowe seconded, a motion that the recommendations now detailed, be approved. After being put to the meeting, and a vote taken, the motion was declared CARRIED.

Council approved the proposals now detailed.

RESOLVED – that (A) the responses to the public consultation be noted and the Officer responses and proposed changes to the Great Hormead Conservation Area Character Appraisal and Management Proposals be supported;

(B) authority be delegated to the Head of Planning and Building Control, in consultation with the Executive Member for Development Management and Council Support, to make any further minor and consequential changes to the document which may be necessary; and

(C) the Great Hormead Conservation Area Character Appraisal and Management Proposals be supported for adoption.

(see also Minute 134)

143 OLD RIVER LANE

Council considered a report in respect of Old River Lane, Bishop's Stortford, seeking approval for delivery models for each aspect of the scheme and the procurement method. Council also noted the successful application for gap funding from the Hertfordshire Local Enterprise

Partnership (LEP).

The Leader expressed her appreciation to the efforts of officers and members of the Delivery Board.

Councillor G Williamson moved, and Councillor D Andrews seconded, the recommendations as now detailed. After being put to the meeting, and a vote taken, the recommendations were declared CARRIED.

Council approved the recommendations now detailed.

RESOLVED – that (A) the comments and suggestions from the Overview and Scrutiny committee held on 19 June 2018 (set out in summary at paragraph 2.6 of the report submitted) be noted;

(B) as recommended by the Executive on 17 July, the suggested delivery models for the three parts of the scheme be approved as follows:

- Northgate End: Direct Delivery
- Core ORL Site: Development Agreement
- Arts Centre: Direct delivery, with developer taking overarching project management role for all of core ORL site.

(C) as recommended by the Executive on 17 July 2018, officers be instructed to proceed with procurement, splitting the whole scheme into two parts, with two parallel procurement processes (Option 2 as set out in paragraph 2.4 of the report submitted); and

(D) subject to (C) above, in noting the budget for the next stage of development is £480,000, the use of LEP resources to fund it, be approved.

(see also Minute 134)

144 SCRUTINY ANNUAL REPORT 2017/18

Councillor M Allen, on behalf of the 2017/18 Scrutiny Chairmen, presented the Scrutiny Annual report 2017/18.

Councillor M Allen moved, and Councillor M Casey seconded, a motion that the recommendation now detailed be approved. After being put to the meeting, and a vote taken, the motion was declared CARRIED.

Council approved the report for publication.

RESOLVED – that the Annual Report on the work of the East Herts scrutiny committees during 2017/18 be received and approved for publication.

145 POSITION STATEMENT ON SINGLE USE PLASTICS

The Executive Member for the Environment and the Public Realm submitted a report setting out the Council's position on single use plastics and the principles that the Council will follow in order to reduce, reuse and recycle such plastics. He corrected Essential Reference Paper 'A' of the report submitted in that both Hertfordshire Waste Partnership and North Hertfordshire District Council had been consulted.

Councillor G McAndrew moved, and Councillor C

Woodward seconded, a motion that the recommendations now detailed, be approved. After being put to the meeting, and a vote taken, the motion was declared CARRIED.

Council approved the proposals as now detailed.

RESOLVED – that (A) the position and principles statement, as detailed at Essential Reference Paper ‘B’ to the report submitted, be adopted by the Council; and

(B) officers develop actions and incorporate them into future Medium Term Financial Plan proposals.

146 MEMBERS' ALLOWANCES 2018/19

The Head of Legal and Democratic Services submitted a report detailing the recommendations of the Independent Remuneration Panel (IRP) for the Members' Allowances Scheme 2018/19.

Councillor P Boylan commented on the IRP's proposals in respect of the Special Responsibility Allowances (SRA) for the Chairmen of Human Resources and Licensing Committees.

Councillor D Andrews expressed the view that the previously used “multiplier” for SRAs had been easier to understand and that the emphasis should be on the responsibility of the role rather than attendance numbers. He referred to the role of Chairman of Licensing Committee and the depth of activity “below the surface” and invited the Monitoring Officer to emphasise this within the next review.

In response, the Head of Legal and Democratic Services explained the rationale of the IRP in making their recommendations.

Councillor L Haysey moved, and Councillor I Devonshire seconded, a motion that the recommendations now detailed, be approved. After being put to the meeting, and a vote taken, the motion was declared CARRIED.

Council approved the recommendations now detailed.

RESOLVED – that in respect of Members' Allowances for 2018/19, (A) a 2% increase in the basic allowance be approved;

(B) a 1% increase in the special responsibility allowance be approved, except for the Chairmen of the Licensing and Human Resources Committees where there will be no change;

(C) a special responsibility allowance of £2,200 to the Vice Chairman of the Development Management Committee, be approved;

(D) no change to the allowances be made to the Chairman and Vice Chairman of the Council;

(E) no change to the Carers and Dependents allowance be made, however the word 'maximum' be removed and the Leader be authorised to have discretion to agree claims over and above the amounts and Council agree to review its current approach to carers allowances to ensure flexibility;

(F) no change to the mileage allowances be made;

(G) the subsistence allowances be changed with the deletion of breakfast (of more than four hours including the period between 12 noon and 2pm), tea provisions of more than 4 hours ending after 7pm between 2.30 and 7pm and an increase to evening meals to £15.20 in line with officer payments be approved; and

(H) the Members' Allowances Scheme be reviewed in 2020.

147 WALKERN NEIGHBOURHOOD PARISH PLAN 2017 - 2033

The Leader of the Council submitted a report seeking approval to adopt the Walkern Neighbourhood Parish Plan following the Referendum of 5 July 2018. Council noted the outcome of the Referendum with an overall 'yes' vote of 515 against 25 who voted 'no'. Under the Planning and Compulsory Purchase Act 2004 (as amended by the Neighbourhood Planning Act 2017), the Council was now able to make the Neighbourhood Plan as more than half of those voting in the Referendum had voted in favour of the Plan being used to determine planning applications in the area.

Councillor L Haysey moved, and Councillor K Crofton seconded, a motion that the recommendation now detailed, be approved. After being put to the meeting, and a vote taken, the motion was declared CARRIED.

Council approved the recommendation now detailed.

RESOLVED – that the Walkern Parish Neighbourhood Plan, as detailed at Essential Reference Paper ‘B’ to the report submitted, be formally ‘made’ and used as part of the Development Plan.

148 PERFORMANCE, AUDIT AND GOVERNANCE SCRUTINY COMMITTEE: MINUTES - 13 MARCH 2018

RESOLVED – that the Minutes of the Performance, Audit and Governance Scrutiny Committee meeting held on 13 March 2018, be received.

149 OVERVIEW AND SCRUTINY COMMITTEE: MINUTES - 17 APRIL AND 19 JUNE 2018

RESOLVED – that the Minutes of the Overview and Scrutiny Committee meetings held on 17 April and 19 June 2018, be received.

150 HUMAN RESOURCES COMMITTEE: MINUTES - 18 APRIL 2018

RESOLVED – that the Minutes of the Human Resources Committee meeting held on 18 April 2018, be received.

151 DEVELOPMENT MANAGEMENT COMMITTEE: MINUTES - 25 APRIL AND 23 MAY 2018

RESOLVED – that the Minutes of the Development Management Committee meetings held on 25 April and 23 May 2018, be received.

The meeting closed at 8.44 pm

MINUTES OF AN EXTRAORDINARY
MEETING OF THE COUNCIL HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON TUESDAY 11 SEPTEMBER
2018, AT 8.10 PM

PRESENT: Councillor K Warnell (Chairman).
Councillors D Abbott, A Alder, M Allen,
D Andrews, S Bell, P Boylan, R Brunton,
E Buckmaster, S Bull, M Casey,
Mrs R Cheswright, K Crofton, B Deering,
I Devonshire, H Drake, J Goodeve, B Harris-
Quinney, L Haysey, G Jones, J Jones, J Kaye,
G McAndrew, M McMullen, D Oldridge,
T Page, M Pope, S Reed, P Ruffles,
S Rutland-Barsby, C Snowdon, R Standley,
M Stevenson, T Stowe, N Symonds,
G Williamson and J Wyllie.

OFFICERS IN ATTENDANCE:

Isabel Brittain	-	Head of Strategic Finance and Property
Martin Ibrahim	-	Democratic Services Team Leader
Helen Standen	-	Deputy Chief Executive
Kevin Steptoe	-	Head of Planning and Building Control Services
Alison Stuart	-	Head of Legal and Democratic

Liz Watts - Services
Chief Executive

184 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Members and the public to the meeting and reminded everyone that the meeting was being webcast.

He referred to the recent by-election held in Watton-at-Stone at which Sophie Bell had been elected. He welcomed Councillor S Bell to her first Council meeting.

The Chairman invited the Leader to make a statement.

The Leader made the following statement:

"At 2.15 pm, the Director of Planning at the Ministry of Housing, Communities and Local Government notified the Chief Executive of East Hertfordshire District Council that the Secretary of State, Rt. Hon James Brokenshire MP has today issued a holding direction under section 21a of the Planning and Compulsory Purchase Act 2004 (inserted by section 145(5) of the Housing and Planning Act 2016) on the adoption of the East Herts District Plan, due to be adopted this evening.

Accordingly item 4 is being withdrawn from tonight's Agenda, because this means we are currently unable to adopt the District Plan.

I am, of course, very disappointed with this decision both because it has been made at such a late stage in the process and also because the Plan was inspected by a senior and

experienced planning inspector (appointed by the Secretary of State) and the Council has fully accepted all of her recommendations and suggestions.

We remain confident in the soundness of the Plan and will work with the Ministry of Housing, Communities and Local Government to resolve any issues it has with the Plan. Due to the impact that this will have on the local and wider community and in view of the thorough examination of the Plan that has already taken place, we will encourage the Secretary of State to act expeditiously to avoid further uncertainty. We are all too well aware of the speculative development that has taken place in parts of our district because of the lack of a 5 year land supply. None of us want to be in that position again."

185 APOLOGIES FOR ABSENCE

Apologies for absence had been submitted on behalf of Councillors P Ballam, G Cutting, R Henson, Mrs D Hollebon, L Radford, J Taylor and C Woodward.

186 EXECUTIVE REPORT - 11 SEPTEMBER 2018

As noted earlier in the meeting (Minute 184 refers), this item had been withdrawn.

187 BRAUGHING NEIGHBOURHOOD PLAN ADOPTION

The Leader of the Council submitted a report seeking approval to adopt the Braughing Neighbourhood Parish Plan following the Referendum of 26 July 2018. Council noted the outcome of the Referendum with an overall 'yes' vote of 327 against 72 who voted 'no'. Under the Planning

and Compulsory Purchase Act 2004 (as amended by the Neighbourhood Planning Act 2017), the Council was now able to make the Neighbourhood Plan as more than half of those voting in the Referendum had voted in favour of the Plan being used to determine planning applications in the area.

Councillor P Boylan, speaking as the Parish Council Chairman, praised the extensive work undertaken by local volunteers, some of whom were present in the public gallery, and paid tribute to the effort and commitment shown by a number of contributors. He expressed his thanks to everyone involved.

Councillor B Harris-Quinney, as the local ward Member, expressed his support for the proposal.

Councillor L Haysey moved, and Councillor P Boylan seconded, a motion that the recommendation now detailed, be approved. After being put to the meeting, and a vote taken, the motion was declared CARRIED.

Council approved the recommendation now detailed.

RESOLVED – that the Braughing Parish Neighbourhood Plan, as detailed at Essential Reference Paper 'B' to the report submitted, be formally 'made' and used as part of the Development Plan.

The meeting closed at 8.20 pm

COUNCIL – 17 OCTOBER 2018

MEMBERS' QUESTIONS

Question 1

Councillor P Ruffles to ask the Executive Member for Development Management and Council Support:

The water fountain at Old Cross Hertford, in my Ward, hasn't served its historic purpose since East Herts Council became responsible for its maintenance as an historic structure, in 1973. Now that there has been a much trumpeted and much lauded bringing back to life of a 140-year-old water fountain at St Pancras Station in London, will the portfolio holder look into the possibilities of giving our own fountain (created as the central purpose for the structure made from stone of the former church at the Old Cross site) its full purpose again?

Question 2

Councillor P Ruffles to ask the Executive Member for Economic Development:

The St Andrew Street Car Park in Hertford is often full and serves as the main parking place for Hertford Theatre goers, and for West end of town shoppers. The 5 parking places nearest to the Theatre have been screened off against parkers for many months. What hope can the portfolio holder give, to Hertford Members in particular, that the spaces will be available again for Christmas shoppers?

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EAST HERTS COUNCIL

COUNCIL – 17 OCTOBER 2018

REPORT BY LEADER OF THE COUNCIL

EXECUTIVE REPORT

WARD(S) AFFECTED: All

Purpose/Summary of Report

- This report details the recommendations made by the Executive at its meeting held on 11 September 2018.

1.0 Background

1.1 Since the last Council meeting, the Executive has considered and supported a number of recommendations on the following items:

- Bishop's Stortford Community Governance Review
- Buntingford Community Governance Review
- Eastwick and Gilston Community Governance Review
- Council Tax Reduction Scheme 1919/20
- Land East of Stevenage Masterplanning Framework

The full reports can be viewed at: [Executive Agenda](#)

2.0 Agenda Item 8A - Bishop's Stortford Community Governance Review

2.1 The Executive considered and supported a number of recommendations following the second stage consultation period for the Community Governance Review of Bishop's Stortford Town Council.

2.2 A fully updated report is attached at **Agenda Item 8A**, which Council is asked to consider.

3.0 **Agenda Item 8B – Buntingford Community Governance Review**

3.1 The Executive considered and supported a number of recommendations following the second stage consultation period for the Community Governance Review of Buntingford Town Council.

3.2 A fully updated report is attached at **Agenda Item 8B**, which Council is asked to consider.

4.0 **Agenda Item 8C – Eastwick and Gilston Community Governance Review**

4.1 The Executive considered and supported a number of recommendations following the second stage consultation period for the Community Governance Review of Eastwick and Gilston Parish Council.

4.2 A fully updated report is attached at **Agenda Item 8C**, which Council is asked to consider.

5.0 **Agenda Item 8D – Council Tax Reduction Scheme 1919/20**

5.1 The Executive considered the outstanding software modelling issues that required further work and supported the proposal for an unchanged scheme for 1919/20.

<u>RECOMMENDATIONS FOR COUNCIL: That</u>	
(A)	there be no changes to the scheme design for East Herts local Council Tax Support scheme for April 2019.

6.0 **Agenda Item 8E - Land East of Stevenage Masterplanning Framework**

- 6.1 The Executive considered the Masterplan for the East of Stevenage site.
- 6.2 The Executive supported the recommendations, as now detailed, in order to provide a basis on which preparation of the detailed planning application stage could proceed. Council is asked to approve the recommendations.

<u>RECOMMENDATIONS FOR COUNCIL: That</u>	
(A)	the Masterplan for the strategic allocation known as 'Land to the East of Stevenage, as detailed at Essential Reference Paper 'B' to the report submitted, be agreed as a material consideration for Development Management purposes.

11.0 **Executive Decisions**

- 11.1 Other matters determined by the Executive are detailed in the Minutes of the meeting included for information at **Essential Reference Paper 'A'** to this report.

Background Papers

The full agendas for the Executive meeting can be viewed at:
[Executive Agenda](#)

Contact Member: Councillor L Haysey, Leader of the Council
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MINUTES OF A MEETING OF THE
EXECUTIVE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
TUESDAY 11 SEPTEMBER 2018, AT 7.00 PM

PRESENT: Councillor L Haysey (Chairman/Leader)
Councillors E Buckmaster, J Goodeve,
G Jones, G McAndrew, S Rutland-Barsby
and G Williamson.

ALSO PRESENT:

Councillors D Abbott, A Alder, M Allen,
D Andrews, S Bell, P Boylan, R Brunton,
S Bull, M Casey, Mrs R Cheswright,
K Crofton, B Deering, I Devonshire,
H Drake, J Jones, J Kaye, M McMullen,
D Oldridge, T Page, M Pope, S Reed,
P Ruffles, C Snowdon, R Standley,
M Stevenson, T Stowe, N Symonds,
K Warnell and J Wyllie.

OFFICERS IN ATTENDANCE:

Isabel Brittain	-	Head of Strategic Finance and Property
Steven Dupoy	-	Leisure and Environment Services Manager
Jonathan Geall	-	Head of Housing and Health
Martin Ibrahim	-	Democratic

		Services Team Leader
Helen Standen	-	Deputy Chief Executive
Kevin Steptoe	-	Head of Planning and Building Control Services
Alison Stuart	-	Head of Legal and Democratic Services
Su Tarran	-	Head of Revenues and Benefits Shared Service
Liz Watts	-	Chief Executive
John Williams	-	Electoral Services Officer

166 LEADER'S ANNOUNCEMENTS

The Leader welcomed Members, Officers and the public to the meeting and reminded everyone that the meeting was being webcast.

The Leader made the following statement:

“At 2.15 pm, the Director of Planning at the Ministry of Housing, Communities and Local Government notified the Chief Executive of East Hertfordshire District Council that the Secretary of State, Rt. Hon James Brokenshire MP has today issued a holding direction under section 21a of the Planning and Compulsory Purchase Act 2004 (inserted by section 145(5) of the Housing and Planning Act 2016) on the adoption of the

East Herts District Plan, due to be adopted this evening.

Accordingly items 9 and 10 are being withdrawn from tonight's Agenda, because this means we are currently unable to adopt the District Plan.

I am, of course, very disappointed with this decision both because it has been made at such a late stage in the process and also because the Plan was inspected by a senior and experienced planning inspector (appointed by the Secretary of State) and the Council has fully accepted all of her recommendations and suggestions.

We remain confident in the soundness of the Plan and will work with the Ministry of Housing, Communities and Local Government to resolve any issues it has with the Plan. Due to the impact that this will have on the local and wider community and in view of the thorough examination of the Plan that has already taken place, we will encourage the Secretary of State to act expeditiously to avoid further uncertainty. We are all too well aware of the speculative development that has taken place in parts of our district because of the lack of a 5 year land supply. None of us want to be in that position again."

167 MINUTES

Councillor E Buckmaster moved, and Councillor G McAndrew seconded, a motion to approve the Minutes of the previous meeting as a correct record. After being put to the meeting, and a vote taken, the motion was declared CARRIED.

RESOLVED – that the Minutes of the Executive

meeting held on 17 July 2018 be approved as a correct record and signed by the Leader.

168 UPDATE FROM OVERVIEW AND SCRUTINY COMMITTEE

The Executive received a report from the Overview and Scrutiny Committee detailing its comments and recommendations on various matters considered at its meeting held on 10 July 2018, including on:

- Shared Services Update : IT
- Shared Services : CCTV
- Potential Kingsmead Scheme

The Executive received the report.

RESOLVED – that the report be received.

169 UPDATE FROM PERFORMANCE, AUDIT AND GOVERNANCE SCRUTINY COMMITTEE

The Executive received a report from the Performance, Audit and Governance Scrutiny Committee detailing its comments and recommendations on various matters considered at its meeting held on 19 June 2018, including on:

- General Fund Revenue and Capital Outturn 2017/18 and Medium Term Financial Plan
- Annual Statement of Accounts
- External Auditors' Report
- SIAS – Assurance Statement
- SIAS – Progress report on Audit Plan
- Annual Governance Statement 2017/18

- Risk Management Annual Report
- Work Programme
- Insurance Options for 2019

The Executive received the report.

RESOLVED – that the report be received.

170 BISHOP'S STORTFORD NORTH – ALLOCATION OF S106
FUNDING FOR SPORTS INVESTMENTS

The Executive Member for Health and Wellbeing submitted a report proposing a process for the allocation of Section 106 funding arising from the Bishop's Stortford North housing development. He also proposed the use of this framework for future allocations of S106 sports investments across the District as they arise.

The Executive Member outlined the identified demand for sports facilities which far exceeded the funding streams available, thus necessitating the need for a clear process to allocate resources that would address key needs. He referred to the timetable for the funding becoming available and the priority criteria identified in the Sports Investment Strategy.

The proposals for the application process and form were detailed in Essential Reference Papers 'C' and 'D' of the report submitted.

In response to Members' comments and questions, the Executive Member referred to the need for a robust process to ensure that funding was sustainable and would help sports organisations to become self-sufficient.

Councillor E Buckmaster moved, and Councillor J Goodeve seconded, a motion that the recommendations now detailed, be approved. After being put to the meeting and a vote taken, the motion was declared CARRIED.

The Executive approved the proposals now detailed.

RESOLVED - that (A) the proposed process for allocating s106 payments arising from the Bishop's Stortford North housing development for sports investments be noted;

(B) authority be delegated to the Deputy Chief Executive and the Executive Member for Health and Wellbeing to agree the final details of the process including the application, evaluation, award, terms and conditions and the agreement, etc; and

(C) authority be delegated to the Executive Member for Health and Wellbeing to determine funding awards to organisations.

171 OPTIONS FOR THE FUTURE OF THE PINEHURST
COMMUNITY CENTRE AND ATTACHED PROPERTIES

The Executive Members for Finance and Support services and Housing submitted a joint report considering the potential for improving and/or redeveloping the Pinehurst Community Centre, the adjacent shop and flat and attached Network Homes flat, collectively referred to as the Kingsmead site. They sought 'in principle' support for the redevelopment of the site to reprovide an improved community centre, a shop and residential flats. They also

sought an Executive recommendation to Council that the council's housing company, Millstream Property Investments Ltd, be requested to carry out this development.

The Executive considered the current state of the site and the redevelopment opportunities. A member/officer group had carried out an appraisal of the following options:

- refurbishment of the community centre and shop with no changes to the two residential flats;
- disposal of the site to a housing association or developer; and
- a council-led redevelopment of the site.

The Executive considered the key criteria against which each option was assessed including the financial appraisals. The working group had concluded that the favoured option was the council-led redevelopment of the site. This view had also been supported by the Overview and Scrutiny Committee, at its meeting held on 10 July 2018.

The Executive Member for Finance and Support Services expressed his thanks to the local ward Members, Councillors J Goodeve and M Stevenson for their contribution to the member/officer group.

Councillor G Williamson moved, and Councillor J Goodeve seconded, a motion that the recommendations now detailed, be approved. After being put to the meeting and a vote taken, the motion was declared CARRIED.

The Executive approved the recommendations now detailed.

RESOLVED - that (A) support is granted 'in principle' for the redevelopment of the Pinehurst Community Centre and attached shops and flats, for the purposes of reproviding the community centre, a shop and residential flats as outlined in this report, and for engagement with residents and stakeholders; and

(B) Council is recommended to, acting in its role as shareholder of the council's housing company, Millstream Property Investments Ltd, request that Millstream assesses the viability of the scheme for inclusion in its business plan.

172 ADOPTION OF THE EAST HERTS DISTRICT PLAN

As noted earlier in the meeting (Minute 166 refers), this item had been withdrawn.

173 EAST HERTS DISTRICT PLAN - SUSTAINABILITY APPRAISAL ADOPTION STATEMENT

As noted earlier in the meeting (Minute 166 refers), this item had been withdrawn.

174 COMMUNITY GOVERNANCE REVIEW OF BISHOP'S STORTFORD TOWN COUNCIL - SECOND STAGE CONSULTATION

The Executive Member for Finance and Support Services submitted a report detailing the responses received during

the second stage consultation period for the Community Governance Review of Bishop's Stortford Town Council. He asked the Executive to consider these and forward recommendations to Council, which would agree the final outcome of the review.

The Executive noted the responses as detailed in the report submitted. The Executive Member commented on the consultation responses and suggested that amended proposals be forwarded to Council for consideration. In particular, he referred to the land south of Whittington Way and the uncertainties and timescales in respect of the proposed development. He suggested that in view of these, no change to the boundary be made at this stage, but that the situation be kept under review when residents in the area could be consulted.

In respect of the proposals on St. Michael's Mead, he proposed the new boundary in the original suggested changes, except that the unoccupied land adjacent, including Southern Country Park, be left in Thorley.

Finally, in respect of the Thorley Parish Council electoral arrangements, given the more limited change to the boundary now proposed, he suggested that the change to an unwarded parish was now unnecessary.

The Executive Member for Economic Development reiterated his previously expressed view that the land south of Whittington Way should be transferred from Thorley to Bishop's Stortford and did not support the Executive Member for Finance and Support Services' proposal on this.

The Leader expressed her appreciation to John Williams for his continued support on all community governance review matters.

Councillor G Williamson moved, and Councillor S Rutland-Barsby seconded, a motion that the recommendations now detailed be supported. After being put to the meeting and a vote taken, the motion was declared CARRIED.

The Executive supported the recommendations now detailed.

RECOMMENDED – that (A) the responses received to the second stage consultation on the community governance review of Bishop’s Stortford Town Council, as set out in the report submitted, be noted;

(B) the draft recommendations for the community governance review of Bishop’s Stortford Town Council be confirmed, subject to the following amendments:

- (i) the land south of Whittington Way earmarked in the District Plan should not be transferred to Bishop’s Stortford at this stage and that no change be made to that section of the parish boundary in connection with this review;
- (ii) all of St Michael’s Mead be included in Bishop’s Stortford as proposed but that the parish boundary should follow Moor Hall Lane from St James’ Way to the existing boundary so that Southern Country Park and other undeveloped adjacent land will remain

in Thorley Parish;

- (iii) the size of Bishop' Stortford Town Council be reduced from 18 to 17 town councillors as proposed by the Town Council, to be achieved by reducing the number of town councillors to be elected to represent All Saints Ward from 4 to 3;
- (iv) Thorley Parish Council on its new boundaries continue to be divided into Urban and Rural wards and that the new parish council comprise of six councillors across the two wards; and

(C) the Council keep under review any future development in Bishop's Stortford South or elsewhere with a view to considering whether this may in due course give rise to the need for a further community governance review of any part or parts of the District.

175 COMMUNITY GOVERNANCE REVIEW OF BUNTINGFORD TOWN COUNCIL - SECOND STAGE CONSULTATION

The Executive Member for Finance and Support Services submitted a report detailing the responses received during the second stage consultation period for the Community Governance Review of Buntingford Town Council. He asked the Executive to consider these and forward recommendations to Council, which would agree the final outcome of the review.

The Executive noted the responses as detailed in the

report submitted. The Executive Member commented on the consultation responses and suggested that amended proposals be forwarded to Council for consideration. In particular, he suggested that in relation to Parkside and its neighbouring properties, these should remain in Cottered parish.

Councillors S Bull and J Jones, as the local ward Members, both expressed support for the revised proposals.

Councillor G Williamson moved, and Councillor G McAndrew seconded, a motion that the recommendations now detailed be supported. After being put to the meeting and a vote taken, the motion was declared CARRIED.

The Executive supported the recommendations now detailed.

RECOMMENDED – that (A) the responses received to the second stage consultation on the community governance review of Buntingford Town Council as set out in the report submitted, be noted; and

(B) the draft recommendations for the community governance review of Buntingford Town Council, be confirmed, subject to the following amendment:

- That in relation to the land between the A10 and Ermine Street north of Park Farm Industrial Estate, only the area of the Redrow housing development be transferred into Buntingford and that the parish boundary then follow the northern edge of the Redrow development site

so that Parkside and the neighbouring properties remain within Cottered Parish.

176 COMMUNITY GOVERNANCE REVIEW OF EASTWICK AND GILSTON PARISH COUNCIL - SECOND STAGE CONSULTATION

The Executive Member for Finance and Support Services submitted a report detailing the second stage consultation for the Community Governance Review of Eastwick and Gilston Parish Council. He asked the Executive to note that no responses were received and to forward recommendations to Council, which would agree the final outcome of the review.

Councillor G Williamson moved, and Councillor E Buckmaster seconded, a motion that the recommendations now detailed be supported. After being put to the meeting and a vote taken, the motion was declared CARRIED.

The Executive supported the recommendations now detailed.

RECOMMENDED – that (A) the receipt of no further responses to the second stage consultation on the community governance review of Eastwick and Gilston Parish Council, be noted; and

(B) the draft recommendations for the community governance review of Eastwick and Gilston Parish Council, be confirmed.

177 COUNCIL TAX REDUCTION SCHEME 2019/2020

The Executive Member for Finance and Support Services submitted a report on the latest available information around the current local Council Tax Support (CTS) scheme at East Herts and whether any changes to the scheme should be considered for 2019/20.

He referred to the consideration by Overview and Scrutiny Committee, at its meeting held on 17 April 2018, of a potential new scheme for 2019/20 based on income bands. This aimed to simplify the criteria for customers as well as mitigating the impact of changes in circumstances on workload and council tax collection, resulting from universal credit reassessments. Members were advised that substantial modelling would need to be carried out to avoid any unintended consequences, as well as enabling full consultation with taxpayers and major preceptors. Unfortunately the software modelling tool had proved to be insufficiently sophisticated to enable the modelling to be progressed with sufficient confidence in the results. A new module was due for release in the autumn and it was proposed to recommence modelling again at that time, for consideration for a scheme from 2020.

As such, the Executive Member advised that it would be necessary to continue the existing scheme for 2019/20. The Chairman of Overview and Scrutiny Committee had been consulted on this proposal.

Councillor G Williamson moved, and Councillor J Goodeve seconded, a motion that the recommendation now detailed be supported. After being put to the meeting and a vote taken, the motion was declared CARRIED.

The Executive supported the recommendation now detailed.

RECOMMENDED – that there be no changes to the scheme design for East Herts local Council Tax Support scheme for April 2019.

178 EAST OF STEVENAGE MASTERPLAN

The Leader submitted a report which considered the Masterplan for the East of Stevenage site. She reminded the Executive of the Council's approach to master planning. It was noted that the proposed Framework would provide the basis on which preparation of the detailed planning application stage could proceed.

Councillor L Haysey moved, and Councillor S Rutland-Barsby seconded, a motion that the recommendation now detailed be supported. After being put to the meeting and a vote taken, the motion was declared CARRIED.

The Executive supported the recommendation now detailed.

RECOMMENDED - that the Masterplan for the strategic allocation known as 'Land to the East of Stevenage, as detailed at Essential Reference Paper 'B' to the report submitted, be agreed as a material consideration for Development Management purposes.

179 REQUEST FOR AREA DESIGNATION FOR NEIGHBOURHOOD PLANNING: WARE, WARE TOWN COUNCIL

The Leader of the Council submitted a report seeking approval for the designation of a neighbourhood area for Ware, as detailed on the plan attached to the report submitted.

The Executive considered the application made by Ware Town Council and the consultation undertaken. The report submitted detailed the main areas of consideration in determining the application in accordance with Schedule 9 of the Localism Act 2011.

Councillor L Haysey moved, and Councillor G McAndrew seconded, a motion that the recommendation now detailed, be approved. After being put to the meeting, and a vote taken, the motion was declared CARRIED.

The Executive approved the recommendation now detailed.

RESOLVED - that the application for the designation of a Ware Neighbourhood Area, submitted by Ware Town Council, be supported.

180 REQUEST FOR AREA DESIGNATION FOR NEIGHBOURHOOD PLANNING: STANSTEAD ABBOTTS AND ST MARGARET'S, STANSTEAD ABBOTTS PARISH COUNCIL

The Leader of the Council submitted a report seeking approval for the designation of a neighbourhood area for Stanstead Abbots and St. Margaret's, as detailed on the plan attached to the report submitted.

The Executive considered the application made by Stanstead Abbots Parish Council and the consultation undertaken. The report submitted detailed the main areas of consideration in determining the application in accordance with Schedule 9 of the Localism Act 2011.

Councillor L Haysey moved, and Councillor E Buckmaster seconded, a motion that the recommendation now detailed, be approved. After being put to the meeting, and a vote taken, the motion was declared CARRIED.

The Executive approved the recommendation now detailed.

RESOLVED - that the application for the designation of a Stanstead Abbots and St Margaret's Neighbourhood Area, submitted by Stanstead Abbots Parish Council, be supported.

181 GENERAL FUND REVENUE AND CAPITAL OUTTURN 2017/18 AND MEDIUM TERM FINANCIAL PLAN 2019/20 UPDATE

The Executive Member for Finance and Support Services submitted a report advising on the General Fund Revenue Outturn for 2017/18 and providing explanations for significant variances against the approved budget. He also advised on the financing arrangements for the 2017/18 Capital Outturn and the updated 2018/19 Capital budget allowing for the approved slippage from 2017/18.

Councillor G Williamson moved, and Councillor G McAndrew seconded, a motion that the recommendations now detailed, be approved. After being put to the meeting,

and a vote taken, the motion was declared CARRIED.

The Executive approved the proposals as now detailed.

RESOLVED - that (A) the transfer of the General Fund revenue outturn of £8k under-spend to the General Reserve, be approved; and

(B) Capital budgets of £1.496m be re-profiled from the 2017/18 capital programme to 2018/19 programme to fund ongoing capital schemes.

182 INSURANCE CONTRACTS OPTIONS

The Executive Member for Finance and Support Services submitted a report regarding future insurance arrangements as the Council's Long Term Agreement ends in 2019. He detailed the options available and referred to the consideration by the Performance, Audit and Governance Scrutiny Committee on 24 July 2018. The Committee had recommended that the Council extend existing contracts for up to two years with a report submitted in 2019 providing updates on the options available then. The Committee also recommended that the Council remain a Founding Member of the LGA Mutual and requested that next year's report included an update on that offering.

The Executive Member thanked Councillors G Cutting and B Deering for their contributions on the options appraisal. Councillor B Deering expressed his support for the recommended approach.

Councillor G Williamson moved, and Councillor E

Buckmaster seconded, a motion that the recommendations now detailed, be approved. After being put to the meeting, and a vote taken, the motion was declared CARRIED.

The Executive approved the recommendations now detailed.

RESOLVED - that (A) the Council's insurance contracts should be extended for up to two years; and

(B) ongoing participation as a Founding Member of the Local Government Association Mutual is maintained as recommended by Performance, Audit and Governance Scrutiny Committee.

183 RISK MANAGEMENT ANNUAL REPORT 2018/19

The Executive Member for Finance and Support Services submitted a report advising the Executive of the proposed content of the Strategic Risk Register for 2018/19.

The Executive recalled that during 2017/18, it had been agreed that an annual risk report would be submitted with updates received on an exception basis only, rather than reports being submitted four times per year. This report represented the first annual report received by the Executive.

Councillor G Williamson moved, and Councillor J Goodeve seconded, a motion that the recommendation now detailed, be approved. After being put to the meeting, and a vote taken, the motion was declared CARRIED.

The Executive approved the recommendation now detailed.

RESOLVED - that the content of the Strategic Risk Register be agreed.

The meeting closed at 7.58 pm

Chairman
Date

EAST HERTS COUNCIL

COUNCIL – 17 OCTOBER 2018

REPORT BY HEAD OF LEGAL & DEMOCRATIC SERVICES AND
MONITORING OFFICER

COMMUNITY GOVERNANCE REVIEW OF BISHOP'S STORTFORD TOWN
COUNCIL – REPORT ON SECOND STAGE CONSULTATION AND FINAL
RECOMMENDATIONS

WARD(S) AFFECTED: BISHOP'S STORTFORD ALL SAINTS, CENTRAL,
MEADS, SILVERLEYS AND SOUTH; MUCH
HADHAM

Purpose/Summary of Report

- To report the responses received during the second stage consultation period for the Community Governance Review of Bishop's Stortford Town Council; and to agree and give effect to the final recommendations of the Community Governance Review.

RECOMMENDATIONS FOR THE COUNCIL: That:

(A)	The Council consider the responses received to the second stage consultation on the Community Governance Review of Bishop's Stortford Town Council as set out in section 5 of the report, together with the recommendations of the Executive in relation to the review at section 6 of the report;
(B)	The Council agree and give effect to the final recommendations of the Community Governance

Review as follows:-

- (1) That no new parishes be constituted in the area under review;**
- (2) That no change be made to the name of either Bishop's Stortford or Thorley Parish and that each of the parishes continue to have a council;**
- (3) That the areas of Bishop's Stortford and Thorley parishes be altered as follows:-**
 - a) That the part of St Michael's Mead that is currently in Thorley Parish (marked as Area A on the map at sheet number 2 of Essential Reference Paper B) be transferred to Bishop's Stortford Parish, with the parish boundary being amended to follow Moor Hall Lane from St James' Way to the existing boundary so that Southern Country Park and other undeveloped adjacent land will remain in Thorley Parish.**
 - b) That those properties in Rectory Close that are currently in Bishop's Stortford Parish (marked as Area B on the map at sheet number 2 of Essential Reference Paper B) be transferred to Thorley Parish.**
 - c) That the area of land occupied by numbers 6 to 9 Park View Cottages (marked as Area C on the map at sheet number 2 of Essential Reference Paper B) be transferred from Bishop's Stortford Parish to Thorley Parish.**
 - d) That no other changes be made at this time to the parish boundary between Bishop's Stortford and Thorley parishes;**
- (4) That the Council keep under review any future**

development in Bishop's Stortford South or elsewhere with a view to considering whether this may in due course give rise to the need for a further community governance review of any part or parts of the District;

(5) That in relation to the electoral arrangements for Bishop's Stortford Town Council:-

- a) The total number of councillors to be elected to the Town Council be reduced from 18 to 17;**
- b) That Bishop's Stortford continue to be divided into five wards for the purpose of electing councillors to the Town Council;**
- c) That no change be made to the name of any ward;**
- d) That the boundaries between the Town Council wards be altered as set out in the table at paragraph 7.24 of this report and illustrated at sheets 3 to 16 of the map at Essential Reference Paper B; and**
- e) That the number of councillors to be elected to represent each ward on the Town Council be as follows:-**

All Saints Ward	3 councillors
Central Ward	4 councillors
Meads Ward	3 councillors
Silverleys Ward	3 councillors
South Ward	4 councillors

(6) That in relation to the electoral arrangements for Thorley Parish Council:-

- a) The total number of councillors to be elected to the Parish Council be reduced from 7 to 6;**
- b) That Thorley Parish continue to be divided into two wards for the purpose of electing councillors to the Parish Council;**

	<p>c) That no change be made to the name of any ward;</p> <p>d) That the boundary between the Parish Council Rural and Urban Wards continue to follow the boundary between the District Council wards of Bishop’s Stortford South and Much Hadham as illustrated at sheet 2 of the map at Essential Reference Paper B; and</p> <p>e) That the number of councillors to be elected to represent each ward on the Parish Council be as follows:-</p> <table border="1" data-bbox="533 748 1331 853"> <tr> <td>Rural Ward</td> <td>2 councillors</td> </tr> <tr> <td>Urban Ward</td> <td>4 councillors</td> </tr> </table> <p>(7) That the Local Government Boundary Commission for England be requested to make changes to the boundaries of the relevant District Council Wards and County Council Divisions as necessary to ensure coterminosity between those boundaries and the revised Parish and Parish Ward boundaries made in this Community Governance Review; and</p>	Rural Ward	2 councillors	Urban Ward	4 councillors
Rural Ward	2 councillors				
Urban Ward	4 councillors				
(C)	<p>The Council make the East Hertfordshire (Reorganisation of Community Governance) (Bishop’s Stortford and Thorley) Order 2018 as attached at Essential Reference Paper B.</p>				

1.0 Background – Community Governance Reviews

1.1 Chapter 3 of Part 4 of the Local Government and Public Involvement in Health Act 2007 (‘the 2007 Act’) empowers a principal authority such as East Herts Council to review and make changes to the governance arrangements for parishes and parish/town councils in its area.

- 1.2 The mechanism for making decisions on these matters is a Community Governance Review. This is a review of the whole or part of the district with a view to making recommendations on one or more of the following:
- Creating, merging or abolishing parishes;
 - Boundary alterations between existing parishes;
 - The naming of parishes and the style of new parishes;
 - The establishment of parish councils;
 - Electoral arrangements for parish councils (the year of election; number of councillors; warding), and/or
 - Grouping parishes under a common parish council or de-grouping parishes.
- 1.3 A Community Governance Review may be triggered by a statutory petition or a formal 'application' in the terms of the 2007 Act, or the Council may decide to undertake a review at any time, e.g. in response to population changes or new housing development, as part of a periodic programme of reviews or in response to a request from a town/parish council or other person(s).
- 1.4 Section 93 (3) of the 2007 Act requires that in undertaking a review the Council must consult (i) the local government electors for the area under review; and (ii) any other person or body (including a local authority) which appears to the principal council to have an interest in the review. Section 93 (6) states that the Council must take into account any representations received in connection with the review; whilst Section 100 (4) provides that the Council must have regard to guidance issued by the Secretary of State and the Local Government Boundary Commission for England (LGBCE).
- 1.5 A Community Governance Review begins when the Council publishes terms of reference for the review and ends when it

agrees the final recommendations (which must be within 12 months of the review starting) and adopts a Community Governance Reorganisation Order detailing any changes in accordance with those recommendations. Any revised electoral arrangements take effect at the next ordinary parish elections, which in East Herts are scheduled for May 2019.

Consequential recommendations to the LGBCE

- 1.6 Any changes to parish or parish/town ward boundaries as a result of this review will not automatically change the corresponding district ward or county division boundaries. In the event that such changes are made the Council may make recommendations to the LGBCE that the district ward and county division boundaries are realigned to follow the revised parish/parish ward boundaries. The LGBCE would require evidence that the Council has consulted on this as part of the review.

2.0 Issues for consideration and decision-making criteria for a Community Governance Review

- 2.1 Section 93 (4) of the 2007 Act requires a principal council to have regard to the need to secure that community governance within the area under review –
- (a) reflects the identities and interests of the community in that area; and
 - (b) is effective and convenient.
- 2.2 Section 93 (5) provides that in deciding what recommendations to make, a principal council must take into account any other arrangements (apart from those relating to parishes and their institutions) –
- (a) that have already been made, or

(b) that could be made,

for the purposes of community representation or community engagement in respect of the area under review.

2.3 The guidance issued by the Secretary of State and the LGBCE states that when considering the above criteria, principal councils should take into account a number of influential factors, including:

- the impact of community governance arrangements on community cohesion; and
- the size, population and boundaries of a local community or parish.

2.4 The guidance further states that ‘the general rule should be that the parish is based on an area which reflects community identity and interest and which is of a size which is viable as an administrative unit of local government’. In relation to boundaries, the guidance states that these ‘should reflect the “no-man’s land” between communities represented by areas of low population or barriers such as rivers, roads or railways.’

Electoral arrangements

2.5 Once the Council has determined whether it will make any changes to parish boundaries, it must go on to consider if any changes are required to the electoral arrangements for the parish(es) affected. Electoral arrangements are defined in the 2007 Act as:-

- **Ordinary year of election** – the year in which ordinary elections of the parish/town councillors are to be held;
- **Council size** - the number of councillors to be elected to the parish/town council; and

- **Parish warding** - whether the parish should be, or should continue to be, divided into wards for the purpose of electing parish/town councillors, including the number and boundaries of any such wards, the number of councillors to be elected for any such ward and the name of any such ward.

Making recommendations

2.6 Sections 87 to 92 of the 2007 Act provide that at the end of a Community Governance Review the principal council must make recommendations as to:

- (a) Whether a new parish or any new parishes should be constituted;
- (b) Whether existing parishes should or should not be abolished or whether the area of existing parishes should be altered; and
- (c) What the electoral arrangements for new or existing parishes, which are to have parish councils, should be.

2.7 The principal council may also make recommendations about:

- (a) The grouping or de-grouping of parishes;
- (b) Adding parishes to an existing group of parishes; or
- (c) Making related alterations to the boundaries of a principal council's electoral area.

3.0 Community Governance Review of Bishop's Stortford Town Council, including the town boundary

3.1 The Council on 16 December 2015 agreed to undertake a Community Governance Review of Bishop's Stortford Town Council, including the town boundary. The review was agreed following a request from Bishop's Stortford Town Council, which identified two issues for consideration:

- (i) The parish boundary between Bishop's Stortford and Thorley:- The Town Council identified development which crosses the parish boundary - for example at St Michael's Mead - and areas of future development to the south of the town either consented or envisaged in the district plan. Parts of the areas identified are currently in Thorley Parish but the Town Council considered the developments are, or will be, seen by residents as part of Bishop's Stortford and therefore suggested that its boundary with Thorley Parish be re-drawn to follow the existing district ward boundary, with all land north of St James' Way - including St Michael's Mead, the land south of Whittington Way and the Thorley Street and Pig Lane areas - being transferred from Thorley Parish Council to Bishop's Stortford Town Council.
- (ii) The ward boundaries within the town:- The Town Council also made a number of detailed proposals for changes to ward boundaries within the town to address perceived anomalies, such as roads or developments split between two or more wards. Eighteen separate minor changes to ward boundaries were proposed, affecting a total of approximately 450 properties currently housing about 850 electors.

3.2 A copy of the request from Bishop's Stortford Town Council is attached at **Essential Reference Paper C**.

Terms of reference

3.3 The review began on 13 February 2018 with the publication of terms of reference setting out the aims, process and timetable for the review and the matters to be considered. The terms of reference included a number of policies, consistent with the criteria at section 2 above, to guide the consideration of evidence and the formulation of recommendations during the

review. A copy of the terms of reference is attached at **Essential Reference Paper D**.

Initial consultation and draft recommendations

- 3.4 The initial public consultation period ran from 13 February to 6 April 2018, during which local electors and all interested parties were invited to make submissions on the Town Council's proposals and any other matters that they felt should be considered.
- 3.5 In relation to the package of proposed minor changes to ward boundaries within Bishop's Stortford Town Council, twelve consultation responses were received. Of these, one respondent opposed the changes and four stated 'no comment' or similar. The other seven respondents were broadly supportive of the changes.
- 3.6 In relation to the parish boundary between Bishop's Stortford and Thorley, responses were received from nine local organisations and 125 individuals. A large majority of respondents did not support the Town Council's proposals. In addition, 394 individually signed pro-forma letters were received objecting to the proposed Thorley boundary change and a petition was received, signed by a total of 960 persons, calling for 'no change to the current boundary between Thorley village and Bishop's Stortford'. Although many responses cited reasons related to over-development, preservation of Green Belt or opposition to development on the Whittington Way site (which are matters for the planning process rather than a community governance review), others did reference matters specifically relevant to the criteria. Many were concerned that if the Town Council's proposal was agreed, Thorley Parish would no longer be viable as an administrative area. Although most responses were from people living outside the area affected, a large majority of responses from within that area were

opposed to the proposal, and of these, most were from the Thorley Street and Pig Lane areas or Rectory Close.

- 3.7 Council on 16 May 2018 discussed the Community Governance Review. In considering whether or not the proposals from the Town Council should be recommended either in full or in amended form, the Council took into account the responses received to the consultation, the LGBCE's guidance on community governance reviews, geographical data, electorate projections and the recommendations of the Executive which in turn were informed by the comments of the Overview & Scrutiny Committee.
- 3.8 Following consideration in turn of each element of the Town Council's proposal, the Council recommended that some but not all of the areas identified by the Town Council should be transferred to the Town Council's area, and proposed some other changes to governance arrangements. The Council's decisions formed the basis of the draft recommendations of the Community Governance Review, which were then subject to a further round of public consultation, as follows:-

Minor ward boundary changes within Bishop's Stortford

- a) The Council recommended that the detailed ward boundary changes within the existing area of Bishop's Stortford Town Council, as proposed by the Town Council, be agreed.

The boundary between Bishop's Stortford and Thorley

- b) **St Michael's Mead** – The Council recommended that the whole of St Michael's Mead should be incorporated within the area of Bishop's Stortford Town Council.
- c) **Land south of Whittington Way** – The Council recommended that the site of proposed development south

of Whittington Way should be incorporated within the area of Bishop's Stortford Town Council.

- d) **Thorley Street, Pig Lane and Twyford Bury Lane areas** – The Council recommended that the Thorley Street, Pig Lane and Twyford Bury Lane areas should remain part of Thorley Parish.
- e) **Rectory Close** – The Council recommended that all properties in Rectory Close should be incorporated into Thorley Parish.
- f) **Park View Cottages** – The Council recommended that the area occupied by numbers 6 to 9 Park View Cottages should be incorporated into Thorley Parish.
- g) **Thorley Parish Council electoral arrangements** – The Council recommended that Thorley Parish on its revised boundaries should no longer be divided into wards; and that the new Thorley Parish Council should comprise of five parish councillors rather than the current seven.
- h) **District Council ward boundaries** – In order to maintain coterminosity the Council recommended that the LG BCE be asked to change the relevant district ward and county division boundaries to align them with the revised parish boundaries.

4.0 Second stage consultation

- 4.1 The Council's draft recommendations were published for a further round of public consultation from 31 May 2018 until 10 August 2018 (extended during the process from the original deadline of 27 July 2018).

4.2 As for the first round of public consultation, a range of methods and channels were used to publicise the draft recommendations and invite electors and others to respond including:

- Notification to the relevant parish/town councils and to the County Council
- Notification to elected representatives for the areas under review and local political parties
- Letters/e-mails to community groups and business organisations based in the areas under review
- Consultation leaflets distributed via the Council offices at Wallfields and Charringtons, Bishop's Stortford Library, community centres/halls and other local venues
- Consultation leaflets also delivered to all properties directly affected by the draft recommendations
- A dedicated page for the review on the 'consultations' section of the EHDC website consultation with an online form for responses and periodic links from the home page
- Press releases, social media and 'network' posts.

4.3 Responses were accepted by post, e-mail or via the online form or a hard copy version of the form distributed at the St Barnabas Centre public meeting (see below) and with subsequent consultation leaflets.

4.4 During the consultation period and as part of their responses to the consultation, two organisations submitted further proposals which were then added into the consultation and responses invited on the further proposals as follows:-

- Bishops Stortford Town Council proposed that the number of town councillors be reduced from 18 to 17 in order to improve electoral equality in the medium term, to be achieved by reducing the number of town councillors elected to represent All Saints Ward from four to three.

- Thorley Parish Council suggested three alternative options for changes to the parish boundary between Thorley and Bishop's Stortford as follows:-
 - Option one – Under this option Thorley Parish would retain all of its existing area and would also incorporate a strip of land north of the current boundary with Bishop's Stortford and south of Thorley Lane/Obrey Way/Whittington Way, from Moor Hall Lane in the west to London Road in the east.
 - Option two – Under this option Thorley Parish would retain all of its existing area and would also incorporate a strip of land, longer than that in Option 1, north of the current boundary with Bishop's Stortford and south of Great Hadham Road, Thorley Lane West, Mercers Avenue, Milliners Way, Thorley Lane, Obrey Way and Whittington Way.
 - Option three – Under this option Thorley Parish would incorporate a strip of land north of the current boundary with Bishop's Stortford as in Option 1. In addition the section of St Michael's Mead that is currently in Thorley (but not Southern Country Park) would transfer to Bishop's Stortford.

4.5 Maps provided by the Parish Council illustrating the three options above are set out in **Essential Reference Paper E** attached.

4.6 As well as amending the online consultation to seek views on the above three options, an addendum consultation form was distributed in hard copy on this matter.

4.7 During the consultation period, members of the Old Thorley and Twyford Residents' Association promoted an e-petition on the Council's website calling for a public meeting to discuss the draft recommendations. The Council arranged a public meeting as part of the consultation process – this took place at the St Barnabas Centre in Thorley on 18 July 2018 and the notes of the meeting are included as a background paper to this report.

5.0 Responses to the second stage consultation

5.1 In total 483 responses were received to the second stage consultation as follows:-

- 7 organisations: - Bishop's Stortford Town Council
 - Thorley Parish Council
 - Bishop's Stortford Civic Federation
 - Old Thorley and Twyford Residents' Association
 - Parsonage Residents' Association
 - Friends of Southern Country Park
 - Hertfordshire County Council on behalf of two county councillors
- 136 individual direct responses, mostly from residents of Thorley or Bishop's Stortford South ward.
- 340 'Petition Forms' signed by individual residents and collected by Thorley Parish Council. The 'Petition Forms' set out four elements of the Council's draft recommendations together with associated questions and asked the signatories to agree or disagree with each proposition. The majority of the forms were signed by residents of Thorley or Bishop's Stortford South Ward with a small number from elsewhere in Bishop's Stortford

or further afield. It is possible that some signatories also submitted individual responses included above.

5.2 Below is a brief summary of the points made in their responses by each of the organisations listed above. The direct responses received from both individuals and organisations are included in full in the schedule prepared for the meeting of the Executive on 11 September 2018 and available as a background paper to this report:-

- **Bishop's Stortford Town Council** – Supports EHDC's draft recommendations (but makes no comment on the proposed arrangements for Thorley Parish Council). Requests a reduction in the number of Town Councillors from 18 to 17. Does not support any of the alternative options proposed by Thorley Parish Council.
- **Thorley Parish Council** – Does not support EHDC's recommendations in respect of St Michael's Mead or the land south of Whittington Way. Proposes three alternative options for changes to the parish boundary. Welcomes EHDC's recommendations in respect of Thorley Street/Pig Lane, Rectory Close and Park View Cottages.
- **Bishop's Stortford Civic Federation** – Challenges the assertion that there will be significant development on the Thorley part of the Bishop's Stortford South site by 2023 and concludes that there is currently no case for changing the boundaries between Bishop's Stortford and Thorley; and that the appropriate time to consider this issue, if necessary, should be after 2022.
- **Old Thorley and Twyford Residents' Association** – Opposes the recommendations regarding land south of Whittington Way. Supports the other EHDC recommendations except the reduction in number of

Thorley Parish Councillors. Have proposed a further alternative option for a revised parish boundary that is a variation of Thorley Parish Council's Option 3 and would restore Thorley to pre-1990's status as an unwarded parish.

- **Parsonage Residents' Association** – Opposes the ward boundary changes, stating that 'ward boundaries should remain the same or be kept to local main roads'. Challenges the assertion that the status of Thorley Village as a Group 3 village within the emerging District Plan will not be affected by the proposed parish boundary change.
- **Friends of Southern Country Park** – Support Option 3 as proposed by Thorley Parish Council.
- **Hertfordshire County Council** canvassed its councillors and forwarded responses from County Councillors Colin Woodward and John Wyllie, both of whom support the EHDC/Town Council proposals and oppose the Thorley Parish Council alternative options.

5.3 An analysis of the individual responses received in respect of each element of the Council's draft recommendations is set out below:-

(a) **Minor ward boundary changes within the Bishop's Stortford Town Council area**

There were 14 responses in favour of the proposed package of minor ward boundary changes within the existing Bishop's Stortford Town Council area, 22 against and 15 respondents stated 'don't know'.

Text in the 'comments' box suggests that some of those who opposed the changes were focussed on the Thorley boundary issue and either did not realise that this

question concerned the minor changes elsewhere in Bishop's Stortford or were voting 'against' in order to reinforce a general 'no change' message.

(b) Reduction in the number of Bishop's Stortford Town Councillors from 18 to 17

Only two respondents expressed a view on this proposal – one in favour and one 'don't know'.

(c) St Michael's Mead

There were 32 responses in favour of the proposal to transfer all of St Michael's Mead into Bishop's Stortford and 57 against. 7 respondents stated 'don't know' and one 'possible'.

Some respondents in favour of the change referred to St Michael's Mead as an urban extension of Bishop's Stortford and stated that many of its residents already thought of themselves as living in Bishop's Stortford or that they were not involved in large numbers in Thorley village life.

Some respondents did not object to the transfer of St Michael's Mead but felt that this should not include Southern Country Park which had no residents and which should remain in Thorley.

Some respondents opposed to the change agreed that it made sense for St Michael's Mead to be entirely within one parish but felt that this should be Thorley rather than Bishop's Stortford. Points raised included the fact that vehicular access to St Michael's Mead is from Thorley. Other respondents stated that they were happy with the

status quo and that no compelling case had been made for the change or advantage demonstrated for residents.

Of the 'Petition Forms' submitted by Thorley Parish Council, 64 responses were in favour of the proposal to transfer all of St Michael's Mead into Bishop's Stortford and 247 were against. There were 29 blank or 'don't know'/'n/a' responses.

(d) Land south of Whittington Way

There were 12 responses in favour of the proposal to transfer the whole of the land allocated for housing development south of Whittington Way into Bishop's Stortford and 90 against. 2 respondents stated 'don't know'.

Of the 'Petition Forms' submitted by Thorley Parish Council, 15 responses were in favour of the proposal to transfer the land south of Whittington Way into Bishop's Stortford and 305 were against. 20 responses were blank.

In relation to the comments and supporting reasons submitted by respondents, those in favour of the change made points including:-

- The District Plan envisages relatively high density housing on the site which will be more urban in nature than the rest of Thorley parish.
- Future residents of the site are likely to feel part of Bishop's Stortford and the Town Council would be better placed to represent them.
- The residents would use services provided by the Town Council and should therefore contribute to the cost of those services via the precept.

- Bishop's Stortford Town Council stated that the change could help to safeguard the future viability of Thorley Parish by retaining its predominantly rural character.

Respondents who opposed the change raised a range of points. As in the first stage of consultation, there were a number of comments about planning issues or overdevelopment. However, a number of arguments relevant to the review were advanced including:-

- The land is not 'no-man's land' but is an integral part of Thorley, linking the upper and lower parts of the village.
- The review is premature as the proposed development has not yet received planning permission. It is therefore impossible to be certain (a) that it will go ahead or (b) what the character of any development will be.
- Even if planning permission is granted, the phasing of the development is not yet known with certainty. Recent information suggests that only 200 houses might be developed on the site by 2022 and that these would be predominantly or even exclusively on the section of the site that is already within Bishop's Stortford (immediately south of Whittington Way).
- Insufficient evidence has been provided to support the conjecture that future residents of the site will see themselves as part of the Bishop's Stortford community, rather than that of Thorley. They may wish to be part of a rural parish. The housing will be marketed as a village development.
- Many other residents of the wider area use the facilities in Bishop's Stortford town centre despite not being part of Bishop's Stortford Town Council.
- The majority of the site is in Thorley. There is no reason why any new development should not be

included within Thorley. This may enhance the viability of the parish.

- There is no need to rush the review or speculate. Decisions should be made if and when the site has been developed, taking into account the actual views of future residents.

(e) Thorley Street, Pig Lane, Twyford Bury Lane

There were 87 responses in favour of the proposal that Thorley Street and the areas around Pig Lane and Twyford Bury Lane should remain in Thorley Parish and 6 against. 4 respondents stated 'don't know' and 1 'no comment'.

Of the 'Petition Forms' submitted by Thorley Parish Council, 300 responses were in favour of the proposal, 18 were against and 22 responses were blank.

(f) Rectory Close

There were 67 responses in favour of the proposal that all of Rectory Close should be within Thorley and 20 against. 9 respondents stated 'don't know' and 1 'no comment'.

Of the 'Petition Forms' submitted by Thorley Parish Council, 280 responses were in favour of the proposal, 24 were against and there were 36 blank or 'don't know' responses.

(g) Park View Cottages

There were 63 responses in favour of the proposal that numbers 6-9 Park View Cottages should be transferred to Thorley Parish and 19 against. 14 respondents stated 'don't know' and 1 'no comment'.

(h) Thorley Parish Council electoral arrangements

There were 13 responses in favour of the proposal that Thorley Parish Council on its new boundaries should be unwarded and composed of five councillors rather than seven as at present and 61 against. 19 respondents stated 'don't know' and 1 'no comment'.

A number of respondents agreed with the move to an unwarded parish council but not the reduction in the number of parish councillors.

(i) Consequential changes to District ward/County division boundaries

There were 27 responses in favour of the proposal that the LG BCE be asked to bring the District and County division boundaries into line with any revised parish ward boundaries and 46 against. 24 respondents stated 'don't know'.

Text in the 'comments' box suggests that some of those who opposed this proposal did so because they are opposed to the proposed parish boundary changes rather than the principal of coterminous boundaries.

(j) Thorley Parish Council's alternative options

As stated above, the scope of the consultation was extended to facilitate responses on to the three alternative options for changes to the parish boundary suggested by Thorley Parish Council. Responses were received as follows:-

- **Option 1** (Thorley Parish to retain existing area and to take on a strip of Bishop's Stortford up to Whittington Way):
 - 24 responses in favour, 15 against.
- **Option 2** (Thorley Parish to retain existing area and to take on a longer strip of Bishop's Stortford including more of St Michael's Mead):
 - 29 responses in favour, 13 against.
- **Option 3** (Thorley Parish to take on a strip of Bishop's Stortford up to Whittington Way but all of St Michael's Mead (but not Southern County Park) to move to Bishop's Stortford):
 - 11 responses in favour, 25 against, 3 'don't know'.

(k) General/other issues

In addition to the above site-specific points, a number of general issues were raised in the comments submitted by respondents. These included criticism of the adequacy of the consultation; assertions that the status quo is working well, that the review is premature and that no benefits from the proposed changes had been demonstrated for residents; and a perception that the boundary issues which the current review was seeking to address had themselves been caused by a previous flawed boundary review.

6.0 Recommendations of the Executive

6.1 The Executive on 11 September 2018 considered the responses to the second stage consultation and made recommendations to the Council for its consideration when discussing the final outcome of the review.

- 6.2 The Executive noted the responses as detailed in the report submitted. The Executive Member for Finance and Support Services commented on the consultation responses and suggested that amended proposals be forwarded to Council for consideration. In particular, he referred to the land south of Whittington Way and the uncertainties and timescales in respect of the proposed development. He suggested that in view of these, no change to the boundary be made at this stage, but that the situation be kept under review when residents in the area could be consulted.
- 6.3 In respect of the proposals on St. Michaels's Mead, the Executive Member proposed that the new boundary in the draft recommendations be agreed, except that the unoccupied land adjacent, including Southern Country Park, be left in Thorley.
- 6.4 Finally, in respect of the Thorley Parish Council electoral arrangements, given the more limited change to the boundary now proposed, the Executive Member suggested that the change to an unwarded parish was now unnecessary.
- 6.5 The Executive Member for Economic Development reiterated his previously expressed view that the land south of Whittington Way should be transferred from Thorley to Bishop's Stortford and did not support the Executive Member for Finance and Support Services' proposal on this.
- 6.6 Councillor G Williamson moved, and Councillor S Rutland-Barsby seconded, a motion that the recommendations now detailed be supported. After being put to the meeting and a vote taken, the motion was declared CARRIED and the Executive made the following recommendations to the Council:-

That (A) the responses received to the second stage consultation on the Community Governance Review of Bishop's Stortford Town Council, as set out in the report submitted, be noted;

(B) the draft recommendations for the Community Governance Review of Bishop's Stortford Town Council be confirmed, subject to the following amendments:

- (i) the land south of Whittington Way earmarked in the District Plan should not be transferred to Bishop's Stortford at this stage and that no change be made to that section of the parish boundary in connection with this review;
 - (ii) all of St Michael's Mead be included in Bishop's Stortford as proposed but that the parish boundary should follow Moor Hall Lane from St James' Way to the existing boundary so that Southern Country Park and other undeveloped adjacent land will remain in Thorley Parish;
 - (iii) the size of Bishop's Stortford Town Council be reduced from 18 to 17 town councillors as proposed by the Town Council, to be achieved by reducing the number of town councillors to be elected to represent All Saints Ward from 4 to 3;
 - (iv) Thorley Parish Council on its new boundaries continue to be divided into Urban and Rural wards and that the new parish council comprise of six councillors across the two wards; and
- (C) the Council keep under review any future development in Bishop's Stortford South or elsewhere with a view to considering whether this may in due course give rise to

the need for a further community governance review of any part or parts of the District.

7.0 Considerations and final recommendations

7.1 The following paragraphs consider in turn the matters on which the Council must or may make recommendations as set out in section 2 of the report. In each case the criteria set out in the 2007 Act and the statutory guidance, together with the policies set out in the terms of reference for the review, are applied in the context of the evidence submitted, the responses to the consultation and the recommendations of the Executive; and the final recommendations of the Community Governance Review are proposed.

Whether a new parish or any new parishes should be constituted

7.2 Section 87 of the 2007 Act requires that a principal council undertaking a Community Governance Review must make recommendations on whether a new parish or any new parishes should be constituted. In relation to Bishop's Stortford and Thorley, the entire area under review is already parished.

Recommendation 1 – That no new parishes be constituted in the area under review

Whether existing parishes should or should not be abolished or whether the area of existing parishes should be altered

7.3 Section 88 of the 2007 Act requires that a Community Governance Review must make one of the following recommendations in relation to each of the existing parishes under review:

- (a) That the parish should not be abolished and that its area should not be altered;
 - (b) That the area of the parish should be altered; or
 - (c) That the parish should be abolished.
- 7.4 No substantive evidence has been submitted to support any proposition that either of the parishes under review should be abolished and the statutory guidance states that ‘the Government expects to see a trend in the creation, rather than the abolition, of parishes’ and that ‘the abolition of parishes should not be undertaken unless clearly justified’.
- 7.5 The review must also make recommendations as to whether or not the name of the parish should be changed; and if (as is the case for both Bishop’s Stortford and Thorley) the parish has a council, recommendations as to whether or not the parish should continue to have a council.
- 7.6 No evidence has been submitted to the review regarding any proposed change of name for either parish, nor to support any proposition that either Bishop’s Stortford or Thorley parish should not continue to have a council.
- 7.7 Regarding the potential alteration of the parish areas, the draft recommendations included a number of proposals which are addressed in turn below.
- a) **Land south of Whittington Way** – The land south of Whittington Way is allocated for housing in the emerging District Plan and electorate forecasts suggested that by February 2023 there would be approximately 500 electors living on this site. The current parish boundary runs through the site and therefore, when it is developed, the boundary will no longer meet the guidance. In reaching its draft recommendations, the Council had taken into consideration

that any development on the site is likely to be in the character of an urban extension and felt that its future occupants were likely to identify with the town of Bishop's Stortford.

As stated in section 5 above, a large majority of respondents in the second stage consultation was against the proposal to transfer the land south of Whittington Way into Bishop's Stortford.

Further, as set out above, the Executive on 11 September 2018 noted the uncertainties around the timescale of any development and recommended that no change be made to that section of the parish boundary at this stage. Full planning permission has yet to be granted and no development has so far taken place. The most recent masterplan states that subject to approval, building will take place from 2021/22 and will start on the part of the site that is within Bishop's Stortford. Only a relatively small number of properties are likely to be occupied in the Thorley part of the site by 2023.

It is proposed therefore that there is no immediate compelling reason to change the parish boundary on the Whittington Way site. Community governance is a living thing and a review may be undertaken at any time. The Council may wish to keep the situation under review and, if and when future development does take place, consider whether there is a need for a further review which would consider the matter on its merits at that time in consultation with local electors and others.

- b) **St Michael's Mead** – A majority of respondents were also against the proposal for all of St Michael's Mead to be included in Bishop's Stortford, although more respondents were prepared to countenance this change than the

Whittington Way site. The considerations in respect of the two areas are very different. St Michael's Mead is an established residential area that has extended across the existing parish boundary which as a result no longer meets the guidance for such boundaries. The large majority of the development is within Bishop's Stortford and the character of the building is that of an urban extension to the town with which it forms a continuous built up area. The Executive on 11 September 2018 therefore recommended that the whole of St Michael's Mead should be incorporated within the area of Bishop's Stortford Town Council.

However the Executive also noted that the draft recommendations included in the proposed transfer unoccupied land adjacent to St Michael's Mead, including Southern County Park. The Executive agreed with the view of some consultees that this was unnecessary and recommended that only the developed area of housing be transferred.

- c) **Thorley Street, Pig Lane and Twyford Bury Lane areas** – In formulating its draft recommendations, the Council on 16 May 2018 did not consider that Bishop's Stortford Town Council had provided any compelling evidence that Thorley Street and the areas east of London Road and the railway, including Pig Lane and Twyford Bury Lane, should be transferred to Bishop's Stortford. It felt that these areas had much in common with the remainder of Thorley Parish and noted that a majority of the responses from Thorley residents opposing the Town Council's proposal had come from these areas.

In addition, the Council noted that the original proposal from the Town Council would have left Thorley Parish with only 47 current electors, which would jeopardise the viability of the parish. The Council recommended that the Thorley Street,

Pig Lane and Twyford Bury Lane areas should remain part of Thorley Parish. This, together with the proposed changes at Rectory Close and Park View Cottages (see below) would bring the electorate of the revised parish area to approximately 240 and the Council believed that the areas included in the revised boundary of the parish would share the common traditions, sense of place and identity that many respondents to the initial consultation had referred to.

As set out in section 5 above, the Council's draft recommendation in respect of this area was welcomed by respondents to the second stage consultation and the Executive on 11 September 2018 recommended that it should be confirmed.

- d) **Rectory Close** – This road is currently split between the two parishes as the current boundary runs between numbers 4 and 5. The Council recommended that this anomaly should be corrected and that all properties in Rectory Close should be incorporated into Thorley Parish.
- e) **Park View Cottages** – Numbers 6 to 9 Park View Cottages are situated east of London Road and south of the junction with Whittington Way but are currently within Bishop's Stortford Town Council's area. The Council recommended that the area in which these properties are situated should be incorporated into Thorley Parish.

In relation to both (d) and (e) above, the Council's draft recommendations were welcomed by respondents to the second stage consultation and the Executive recommended that they should be confirmed.

- 7.8 The recommendations below build on the above findings and give effect to the criteria and policies in the terms of reference for the review in relation to community identities and interests,

effective and convenient local government and the size, population and boundaries of the respective parishes.

7.9 In relation to community cohesion, this is related to community identities and interests and no evidence has been submitted to suggest that any of the recommendations will damage community cohesion.

7.10 As stated above, the 2007 Act requires a principal council in undertaking a Community Governance Review to give consideration to other (non-parish) forms of community governance that have been made, or could be made, for the purpose of community representation or engagement in the area under review. The guidance states that these should be considered as alternatives to, or stages towards, the establishment of parish councils. However, the guidance also states that 'what sets parish councils apart from other kinds of governance is the fact they are a democratically elected tier of local government, independent of other council tiers and budgets, and possess specific powers' and that 'their directly elected parish councillors represent local communities in a way that other bodies, however worthy, cannot since such organisations do not have representatives directly elected to those bodies'. No evidence has been submitted to the review that the town or parish councils under review should be replaced by any other arrangements.

Recommendation 2 - That no change be made to the name of either Bishop's Stortford or Thorley Parish and that each of the parishes continue to have a council.

Recommendation 3 - That the areas of Bishop's Stortford and Thorley parishes be altered as follows:-

(a) That the part of St Michael's Mead that is currently in Thorley Parish (marked as Area A on the map at sheet

number 2 of Essential Reference Paper B) be transferred to Bishop's Stortford Parish, with the parish boundary being amended to follow Moor Hall Lane from St James' Way to the existing boundary so that Southern Country Park and other undeveloped adjacent land will remain in Thorley Parish.

- (b) That those properties in Rectory Close that are currently in Bishop's Stortford Parish (marked as Area B on the map at sheet number 2 of Essential Reference Paper B) be transferred to Thorley Parish.**
- (c) That the area of land occupied by numbers 6 to 9 Park View Cottages (marked as Area C on the map at sheet number 2 of Essential Reference Paper B) be transferred from Bishop's Stortford Parish to Thorley Parish.**
- (d) That no other changes be made at this time to the parish boundary between Bishop's Stortford and Thorley parishes.**

Recommendation 4 - That the Council keep under review any future development in Bishop's Stortford South or elsewhere with a view to considering whether this may in due course give rise to the need for a further community governance review of any part or parts of the District.

What the electoral arrangements for new or existing parishes, which are to have parish councils, should be.

Council size

- 7.11 The Local Government Act 1972, as amended, specifies that each parish council must have at least five councillors. There is no maximum number, no requirement in legislation that the number of councillors should be proportional to electorate size

and no legislative guidance on the ideal number of parish councillors.

- 7.12 The LGBCE's guidance is that "each area should be considered on its own merits, having regard to its population, geography and the pattern of communities. Nevertheless, having regard to the current powers of parish councils, [the principal council] should consider the broad pattern of existing council sizes. This pattern appears to have stood the test of time and, in the absence of evidence to the contrary, to have provided for effective and convenient local government. Principal councils should also bear in mind that the conduct of parish council business does not usually require a large body of councillors. [...]"
- 7.13 The statutory guidance goes on to state: "In addition, historically many parish councils, particularly smaller ones, have found difficulty in attracting sufficient candidates to stand for election. This has led to uncontested elections and/or a need to co-opt members in order to fill vacancies. However, a parish council's budget and planned or actual level of service provision may also be important factors in reaching conclusions on council size."
- 7.14 Although there is no statutory guidance on the number of parish councillors to be allocated, the National Association of Local Councils (NALC) has published recommendations on the matter. NALC Circular 1126 (1988) recommends that a council of no more than the legal minimum of five members is inconveniently small and that the practical minimum should be seven, to apply to any parish council with up to 900 electors. Further recommendations were made for parishes with larger electorates, up to a maximum of 25 councillors where the electorate exceeds 23,000.

7.15 The Aston Business School also published research in 1992 which showed actual levels of representation at that time as follows:-

Electors	Councillors		Electors	Councillors
Up to 500	5-8		10,001 – 20,000	13-27
501 – 2,500	6-12		Over 20,000	13-31
2,501 – 10,000	9-16			

Bishop’s Stortford Town Council

7.16 Bishop’s Stortford Town Council itself proposed that the size of the Town Council should be reduced from 18 to 17 members. No adverse responses to this proposal were received during the second stage consultation, the proposal has the potential to improve electoral equality and the Executive on 11 September 2018 recommended that it should go ahead.

Thorley Parish Council

7.17 The proposed changes to the boundary of Thorley Parish would give rise to a reduction in the electorate of the parish from 513 at the start of the review to just over 240. The Council’s draft recommendation that Thorley Parish on its revised boundaries should no longer be divided into wards and that the Parish Council should comprise of five parish councillors was not supported by a majority of consultation respondents.

7.18 In view of the above and of the Executive’s revised proposals in relation to the boundary changes and the retention of warding in the parish (see below), the Executive on 11 September 2018 considered that it may be advantageous for the council to have more than the legal minimum number of members and proposed that the new number should be six councillors across the two wards.

Parish warding

7.19 The Council is required to consider whether a parish should be, or should continue to be, divided into wards for the purposes of elections to the parish/town council and the number and boundaries of parish wards, taking account of population distribution and community identity and interests in the area.

7.20 Regarding whether a parish should be divided into wards, the 2007 Act requires the Council to consider:

- a) Whether the number, or distribution of the local government electors for the parish would make a single election of councillors impracticable or inconvenient; and
- b) Whether it is desirable that any area or areas of the parish should be separately represented.

7.21 If a principal council decides that a parish should (continue to be) divided into wards, it must have regard to certain factors when considering (a) the size and boundaries of the wards; and (b) the number of councillors to be elected for each ward.

Those factors are:-

- (a) The number of local government electors for the parish;
- (b) Any change in the number, or distribution, of the local government electors which is likely to occur in the period of five years beginning with the day when the review starts;
- (c) The desirability of fixing boundaries which are, and will remain, easily identifiable; and
- (d) Any local ties which will be broken by the fixing of any particular boundaries.

Bishop's Stortford Town Council

7.22 Bishop’s Stortford Town Council is currently divided into five wards for the purpose of electing town councillors and no evidence has been submitted that this should not continue to be the case, nor that there should be any change to the names of the wards.

7.23 In relation to the boundaries of those wards, the Town Council proposed 18 separate, relatively minor, changes to ward boundaries within its area. It is suggested that these are sensible proposals that will address anomalies that have arisen in the main due to infill development over the existing boundaries and that they have the potential to provide practical and convenient arrangements for electors and to slightly improve electoral equality between the wards. No significant adverse responses to these proposals were received during either stage of consultation and the Executive on 11 September 2018 recommended that they should go ahead.

7.24 The proposed changes to ward boundaries are illustrated at sheets 3 to 16 of the map at **Essential Reference Paper B** and are summarised in the table below. They represent changes to roads which currently have residents in more than one ward and where it is proposed either that the boundaries be re-drawn so that all properties are in the ward which currently has the largest number of electors, or so that the road(s) are in the ward from which access is gained or for some other reason to improve convenience to electors:-

Street/Road	Change proposed	Area marked no.	Map sheet no.
Collins Cross	Properties currently in All Saints Ward to transfer to Meads Ward	Area marked 1	Map sheet 3
High Street	Property currently in Meads Ward to transfer to Central Ward	Areas marked 2	Map sheet 4

Parsonage Lane	Properties currently in Meads Ward to transfer to All Saints Ward	Area marked 3	Map sheet 5
Wentworth Drive	Properties currently in Central Ward to transfer to Silverleys Ward	Area marked 4	Map sheet 6
Westfield Road	Properties currently in Silverleys Ward to transfer to Meads Ward	Area marked 5	Map sheet 7
Dane O'coys Road and Whitehall Road	Properties currently in Meads Ward to transfer to Silverleys Ward	Area marked 6	Map sheet 8
Great Hadham Road (Honeysuckle House)	Property currently in South Ward to transfer to Silverleys Ward	Area marked 7	Map sheet 9
Lea Grove	Properties currently in Meads Ward to transfer to All Saints Ward	Area marked 8	Map sheet 3
South Street	Properties currently in Meads Ward to transfer to Central Ward	Area marked 9	Map sheet 10
Potter Street	Property currently in Central Ward to transfer to Meads Ward	Area marked 10	Map sheet 10
Bells Hill, Regency Close and Windhill	Properties currently in Meads Ward to transfer to Silverleys Ward	Area marked 11	Map sheet 11
Hallingbury Road (Styleman's Farm)	Properties currently in South Ward to transfer to All Saints Ward	Area marked 12	Map sheet 12
South Road and Mulberry Court	Properties currently in South Ward to transfer to Central Ward	Area marked 13	Map sheet 13
The Thatchers, Stockmen Field, Drovers Way, Wainwright Street, Brewers Close, Thresher Close, The Carpenters, Tailors	Properties currently in Central Ward to transfer to South Ward	Area marked 14	Map sheet 14
Tanners Wharf (a)	Properties currently in All Saints Ward to transfer to Central Ward	Area marked 15a	Map sheet 15
Tanners Wharf (b)	Properties currently in South Ward to transfer to Central Ward	Area marked 15b	Map sheet 15

Priory Court	Properties currently in Silverleys Ward to transfer to Central Ward	Area marked 16	Map sheet 11
Thorley Hill	Two properties currently in Central Ward to transfer to South Ward	Area marked 17	Map sheet 16

Thorley Parish Council

- 7.25 Thorley Parish is currently divided into two wards for the purpose of electing parish councillors. The Council's draft recommendation that Thorley Parish on its revised boundaries should be unwarded was not supported by a majority of consultation respondents.
- 7.26 In view of the more limited change that is now being proposed to the parish boundary, it is appropriate to revisit the warding issue. In this regard, the statutory guidance states that a principal council should be mindful of the provisions of the Local Democracy, Economic Development and Construction Act 2009 in relation to reviews of district and county council electoral arrangements. These provide that when the LGBCE is making changes to principal council electoral arrangements, no unwarded parish should be divided by a district ward or county division boundary, and that no parish ward should be split by such a boundary. While these provisions do not apply to reviews of parish electoral arrangements, the LGBCE believes that, in the interests of effective and convenient local government, they are relevant considerations for principal councils to take into account when undertaking community governance reviews.
- 7.27 The Executive on 11 September 2018 therefore recommended that Thorley Parish Council on its new boundaries should continue to be divided into Urban and Rural Wards. It is suggested that the boundary between the two wards should continue to coincide with the boundary between the district

council wards of Bishop's Stortford South and Much Hadham as shown on sheet 2 of the map at **Essential Reference Paper B**.

The number of councillors to be elected for each ward

- 7.28 As stated above, when recommending the number of councillors to be elected for each parish ward, the Council must take into account 'the number of local government electors for the parish and any change in the number, or distribution, of the local government electors which is likely to occur in the period of five years beginning with the day when the review starts'.
- 7.29 There is no requirement in legislation that each parish/town councillor should represent, as nearly as may be, the same number of electors. However, the statutory guidance states that 'the LG BCE believes it is not in the interests of effective and convenient local government, either for voters or councillors, to have significant differences in levels of representation between different parish wards'.
- 7.30 For the purposes of the Community Governance Review, East Herts District Council has therefore calculated current and estimated forecast electorates and elector-to-councillor ratios for the areas under review, based on (i) no change and (ii) the changes now recommended in this report (forecasts updated September 2018).
- 7.31 Whilst every care has been taken to ensure that the figures below are as accurate as possible, it will be noted that any forecast electorate figure can only be an estimate based on the best information available. In particular, planned or consented development may not take place as scheduled, or at all. A technical note on the methodology employed in calculating the electorate forecasts is available on request.

Table A – Current and forecast electorate figures/ratios with no change to boundaries or numbers of councillors.

Bishop’s Stortford Town Council

Ward	No. of Cllrs	Electorate (Feb 2018)	Ratio (Electors/ Councillor) Feb 2018	Forecast electorate Feb 2023	Forecast ratio Feb 2023	Variance from town average
All Saints	4	6,175	1,544	6,257	1,564	-14.91%
Central	4	7,481	1,870	8,508	2,127	+15.72%
Meads	3	4,715	1,572	6,125	2,042	+11.10%
Silverleys	3	4,196	1,399	5,642	1,881	+2.29%
South	4	6,212	1,553	6,555	1,639	-10.82%
Total	18	28,779	1,599	33,087	1,838	

Thorley Parish Council

Ward	No. of Cllrs	Electorate (Feb 2018)	Ratio (Electors/ Councillor) Feb 2018	Forecast electorate Feb 2023	Forecast ratio Feb 2018	Variance from parish average
Rural	3	47	16	50	17	-85.09%
Urban	4	466	116	748	187	+64.04%
Total	7	513	73	798	114	

Table B – Current and forecast electorate figures/ratios taking into account changes now recommended.

Bishop’s Stortford Town Council

Ward	No. of Cllrs	Electorate (Feb 2018)	Ratio (Electors/ Councillor) Feb 2018	Forecast electorate Feb 2023	Forecast ratio Feb 2023	Variance from town average
All Saints	3	6,071	2,024	6,153	2,051	+4.48%
Central	4	7,250	1,812	8,276	2,069	+5.40%
Meads	3	4,634	1,545	6,044	2,015	+2.65%
Silverleys	3	4,275	1,425	5,721	1,907	-2.85%
South	4	6,818	1,704	7,180	1,795	-8.56%
Total	17	29,048	1,709	33,374	1,963	

Thorley Parish Council

Ward	No. of Cllrs	Electorate (Feb 2018)	Ratio (Electors/ Councillor) Feb 2018	Forecast electorate Feb 2023	Forecast ratio Feb 2018	Variance from parish average
Rural	2	47	23	50	25	-70.59%
Urban	4	197	49	461	115	+35.29%
Total	6	244	41	511	85	

7.31 It can be seen that in the case of both Bishop’s Stortford Town Council and Thorley Parish Council, the proposed changes to council size and ward boundaries are forecast to improve electoral equality between the wards over the five year period compared to the ‘no change’ position (i.e. the variances between the electors-to-councillor ratio for each ward and that for the council as a whole are forecast to be lower).

Recommendation 5 – That in relation to the electoral arrangements for Bishop’s Stortford Town Council:-

- (a) The total number of councillors to be elected to the Town Council be reduced from 18 to 17;**
- (b) That Bishop’s Stortford continue to be divided into five wards for the purpose of electing councillors to the Town Council;**
- (c) That no change be made to the name of any ward;**
- (d) That the boundaries between the Town Council wards be altered as set out in the table at paragraph 7.24 of this report and illustrated at sheets 3 to 16 of the map at Essential Reference Paper B; and**
- (e) That the number of councillors to be elected to represent each ward on the Town Council be as follows:-**

All Saints Ward	3 councillors
------------------------	----------------------

Central Ward	4 councillors
Meads Ward	3 councillors
Silverleys Ward	3 councillors
South Ward	4 councillors
<p>Recommendation 6 – That in relation to the electoral arrangements for Thorley Parish Council:-</p> <p>(a) The total number of councillors to be elected to the Parish Council be reduced from 7 to 6;</p> <p>(b) That Thorley Parish continue to be divided into two wards for the purpose of electing councillors to the Parish Council;</p> <p>(c) That no change be made to the name of any ward;</p> <p>(d) That the boundary between the Parish Council Rural and Urban Wards continue to follow the boundary between the District Council wards of Bishop’s Stortford South and Much Hadham as illustrated at sheet 2 of the map at Essential Reference Paper B; and</p> <p>(e) That the number of councillors to be elected to represent each ward on the Parish Council be as follows:-</p>	
Rural Ward	2 councillors
Urban Ward	4 councillors

Making related alterations to the boundaries of a principal council’s electoral area.

7.32 Any changes to parish boundaries made as part of this Community Governance Review will not automatically change the equivalent boundaries for District or County Council elections. The Council in May 2018 recommended that the LGBCE should be asked to change the relevant District Ward

and County Division boundaries to align them with any revised parish boundaries following the review.

7.33 This proposal was consulted on as part of the review. A majority of respondents to the second stage consultation did not agree with the proposal although text in the 'comments' box suggested that some of those who opposed it did so because they were opposed to the proposed parish boundary changes rather than to the principal of coterminous boundaries.

7.34 In the interests of clarity and elector convenience, the Executive on 11 September 2018 proposed that the draft recommendation to the LGBCE should be confirmed.

Recommendation 7 – That the Local Government Boundary Commission for England be requested to make changes to the boundaries of the relevant District Council Wards and County Council Divisions as necessary to ensure coterminosity between those boundaries and the revised Parish and Parish Ward boundaries made in this Community Governance Review.

8.0 Conclusions

8.1 The second stage consultation period for the Community Governance Review of Bishop's Stortford Town Council closed on Friday 10 August 2018. This report sets out the issues for consideration in the review; the results of that consultation; and the proposed final recommendations of the review. The Council is invited to agree and give effect to the final recommendations of the Community Governance Review and to make the Reorganisation of Community Governance Order at **Essential Reference Paper B**, in order to allow for the implementation of the agreed changes in the revised register of

electors on 1 December 2018 and in the council tax base data ahead of the new financial year.

9.0 Implications/Consultations

9.1 Information on any corporate issues and consultation associated with this report can be found in **Essential Reference Paper 'A'**.

Background Papers

- (i) Notes of the public consultation meeting held on 18 July 2018 at the St Barnabas Centre, Thorley.
- (ii) Full schedule of responses received to the second stage consultation on the Community Governance Review

<http://democracy.eastherts.gov.uk/mgIssueHistoryHome.aspx?lId=23234&J=1>

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ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives	Priority 1 – Improve the health and wellbeing of our communities
Consultation:	Chief Executive/Returning Officer/Electoral Registration Officer Head of Legal and Democratic Services
Legal:	The processes associated with undertaking a Community Governance Review are prescribed by statute and associated statutory guidance. The relevant legal provisions and implications are set out in the body of the report.
Financial:	Any costs arising from undertaking and/or implementing the recommendations of the Community Governance Review will be met from existing staff/budgetary resources within Legal and Democratic Services or other relevant service area.
Human Resource:	There are no ongoing staffing implications of the report. Any staff requirements of undertaking and/or implementing the recommendations of the Community Governance Review will be met from existing resources within Legal and Democratic Services or other relevant service area.
Risk Management:	No significant implications.
Health and wellbeing – issues and impacts:	Effective and convenient community governance arrangements can contribute to the promotion of improved health and wellbeing for communities.
Equality Impact Assessment required:	No.

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LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

The East Hertfordshire (Reorganisation of Community Governance) (Bishop's Stortford and Thorley) Order 2018

Made 17 October 2018

Coming into force in accordance with article 1

East Hertfordshire District Council (“the council”), in accordance with section 82 of the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”), has undertaken a community governance review and made recommendations dated October 2018:

The council has decided to give effect to those recommendations and, in accordance with section 93 of the 2007 Act, has consulted with the local government electors and other interested persons and has had regard to the need to secure that community governance reflects the identities and interests of the community and is effective and convenient:

The council, in accordance with section 100 of the 2007 Act, has had regard to guidance issued under that section:

The council makes the following Order in exercise of the powers conferred by sections 86, 98(3) and 240(10) of the 2007 Act.

Citation and commencement

1.—(1) This Order may be cited as the East Hertfordshire (Reorganisation of Community Governance) (Bishop's Stortford and Thorley) Order 2018.

(2) Subject to paragraphs (3) and (4) below, this Order comes into force on 1st April 2019.

(3) Articles 5, 6, 7 and 8 shall come into force on the ordinary day of election of councillors in 2019.

(4) For the purposes of:

(a) this article; and

(b) proceedings preliminary or relating to the elections of parish councillors for the parish of Bishop's Stortford and the parish of Thorley, to be held on the ordinary day of election of councillors in 2019,

this Order shall come into force on the day after that on which it is made.

Interpretation

2. In this Order—

“county” means the county of Hertfordshire;

“district” means the district of East Hertfordshire;

“existing” means existing on the date this Order is made;

“map” means the map marked “Map referred to in the East Hertfordshire (Reorganisation of Community Governance) (Bishop's Stortford and Thorley) Order 2018” and deposited in accordance with section 96(4) of the 2007 Act: and any reference to a numbered sheet is a reference to the sheet of the map which bears that number;

“ordinary day of election of councillors” has the meaning given by section 37 of the Representation of the People Act 1983; and

“registration officer” means an officer appointed for the purpose of, and in accordance with, section 8 of the Representation of the People Act 1983.

Effect of Order

3. This Order has effect subject to any agreement under section 99 (agreements about incidental matters) of the Local Government and Public Involvement in Health Act 2007 relevant to any provision of this Order.

Parish elections

4. Elections of all parish councillors for the parishes of Bishop’s Stortford and Thorley shall be held on the ordinary day of election of councillors in 2019.²

Number of parish councillors for the parish of Bishop’s Stortford

5. The number³ of councillors to be elected for the parish of Bishop’s Stortford shall be 17.

6. The number of councillors to be elected for each of All Saints, Meads and Silverleys wards of the parish of Bishop’s Stortford shall be 3 and for Central and South wards of that parish shall be 4.

Number of parish councillors for the parish of Thorley

7. The number⁴ of councillors to be elected for the parish of Thorley shall be 6.

8. The number of councillors to be elected for Rural ward of the parish of Thorley shall be 2 and for Urban ward of that parish shall be 4.

Alteration of parish areas and the areas of parish wards

9.—(1) The area coloured and designated by the letter “A” on sheet number 2 of the map shall cease to be part of the parish of Thorley and Urban ward of that parish and shall become part of the parish of Bishop’s Stortford and South ward of that parish.

(2) The areas coloured and designated by the letters “B” and “C” on sheet number 2 of the map shall cease to be part of the parish of Bishop’s Stortford and South ward of that parish and shall become part of the parish of Thorley and Urban ward of that parish.

(3) Each area coloured and designated by a number on sheets number 3 to 16 of the map and specified in column (1) of the Schedule shall cease to be part of the parish ward specified in relation to that area in column (2) of the Schedule and shall become part of the parish ward specified in relation to that area in column (3) of the Schedule.

Electoral register

10. The registration officer for the district shall make such rearrangement of, or adaptation of, the register of local government electors as may be necessary for the purposes of, and in consequence of, this Order.

2 This article provides for parish elections in the parishes of Bishop’s Stortford and Thorley in 2019. Section 16(3) of the Local Government Act 1972 (c.70) provides for parish elections to take place every four years.

3 Section 16(1) of the Local Government Act 1972 (c.70), as amended by section 101 of, and paragraph 6(2) of Schedule 5 to, the Local Government and Public Involvement in Health Act 2007 (c.28), provides for the minimum number of parish councillors on a parish council to be five. There is no minimum number of parish councillors for a parish.

4 Section 16(1) of the Local Government Act 1972 (c.70), as amended by section 101 of, and paragraph 6(2) of Schedule 5 to, the Local Government and Public Involvement in Health Act 2007 (c.28), provides for the minimum number of parish councillors on a parish council to be five. There is no minimum number of parish councillors for a parish.

Order date

11. 1st April 2019 is the order date for the purposes of the Local Government (Parishes and Parish Councils) (England) Regulations 2008⁵.

Sealed with the seal of the council on the [*day e.g. 31st*] day of [*month*] [*year*]

[*Signature*]

[*day e.g. 31st*] [*month*] [*year*]

[*Title of signatory*]

⁵ S.I. 2008/625.

SCHEDULE

article 9

ALTERATION OF AREAS OF PARISH WARDS

<i>Column (1)</i>	<i>Column (2)</i>	<i>Column (3)</i>
<i>Area</i>	<i>Parish ward from which omitted</i>	<i>Parish ward to which added</i>
"1"	All Saints	Meads
"2"	Meads	Central
"3"	Meads	All Saints
"4"	Central	Silverleys
"5"	Silverleys	Meads
"6"	Meads	Silverleys
"7"	South	Silverleys
"8"	Meads	All Saints
"9"	Meads	Central
"10"	Central	Meads
"11"	Meads	Silverleys
"12"	South	All Saints
"13"	South	Central
"14"	Central	South
"15a"	All Saints	Central
"15b"	South	Central
"16"	Silverleys	Central
"17"	Central	South

EXPLANATORY NOTE

(This note is not part of the Order)

This Order gives effect to recommendations made by East Hertfordshire District Council for the alteration of the area of the parish of Bishop's Stortford and the area of the parish of Thorley within the district of East Hertfordshire.

The parishes of Bishop's Stortford and Thorley will be altered with effect from 1 April 2019. The electoral arrangements apply in respect of parish elections to be held on and after the ordinary day of election of councillors in 2019.

Article 4 provides for parish elections in the parishes of Bishop's Stortford and Thorley in 2019, and then to continue according to the established system of parish elections every four years.

Articles 5 and 6 specify the altered numbers of parish councillors to be elected for the parish of Bishop's Stortford and for each ward of the parish of Bishop's Stortford.

Articles 7 and 8 specify the altered numbers of parish councillors to be elected for the parish of Thorley and for each ward of the parish of Thorley.

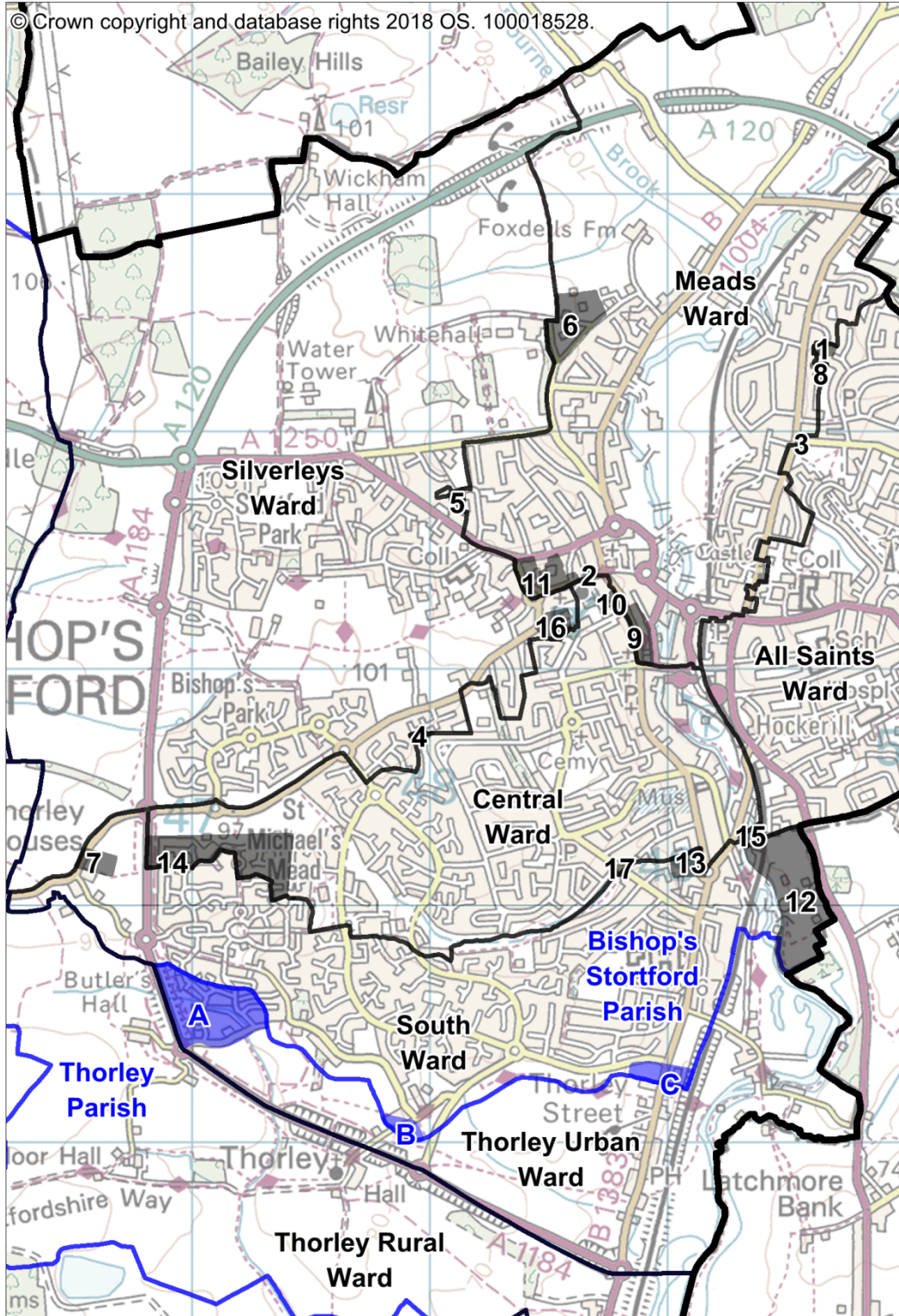
Article 9 and the schedule and the map establish the revised areas of the parishes of Bishop's Stortford and Thorley and the wards of the parishes of Bishop's Stortford and Thorley.

Article 10 obliges the Electoral Registration Officer to make any necessary amendments to the electoral register to reflect the new electoral arrangements.

The map defined in article 2 shows the changes to the areas of the parish of Bishop's Stortford and the parish of Thorley and of the wards of those parishes. It is available, at all reasonable times, at the offices of East Hertfordshire District Council.

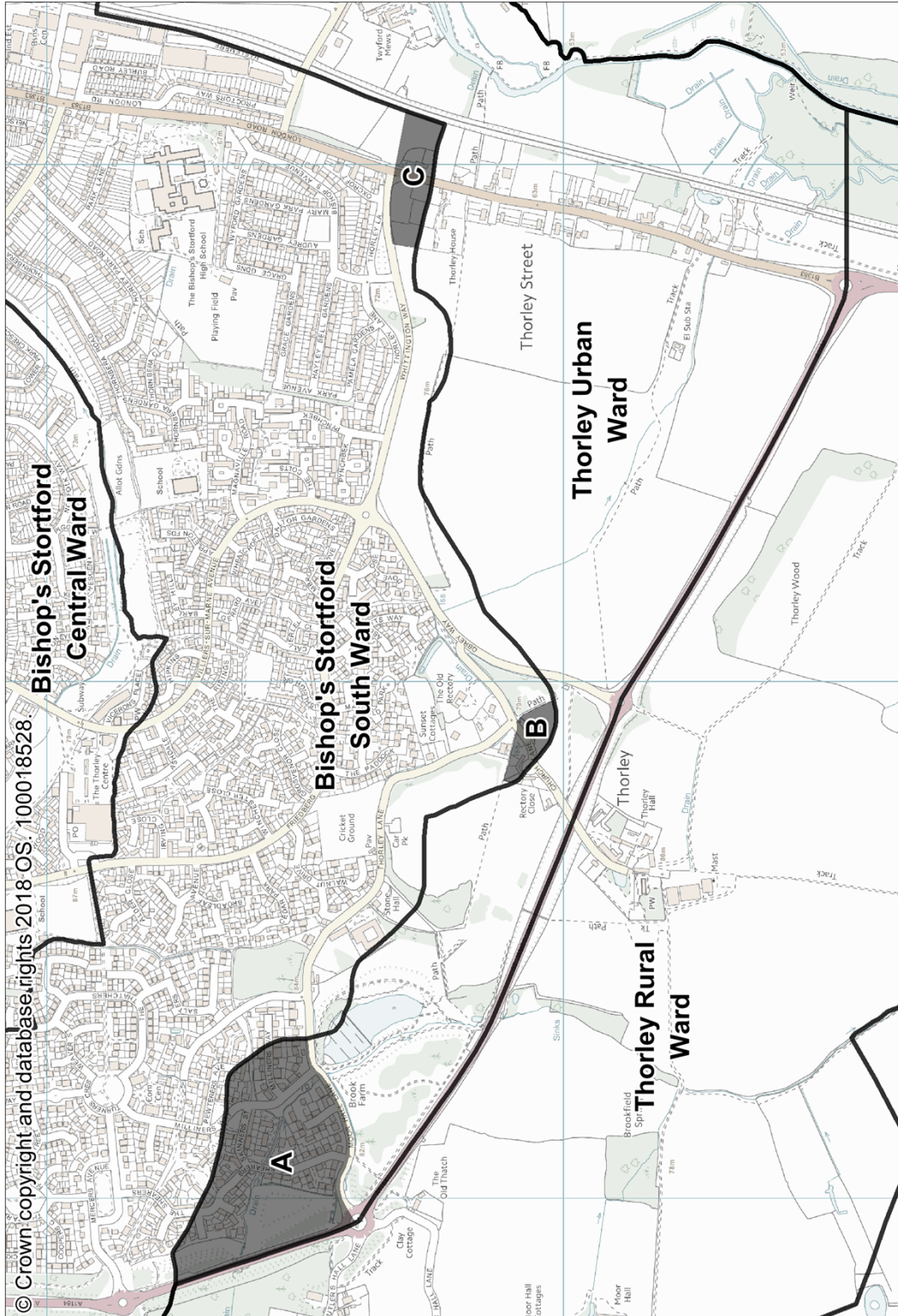
MAP REFERRED TO IN THE EAST HERTFORDSHIRE (REORGANISATION OF COMMUNITY GOVERNANCE) (BISHOP'S STORTFORD AND THORLEY) ORDER 2018

SHEET NUMBER 1 – GENERAL OUTLINE



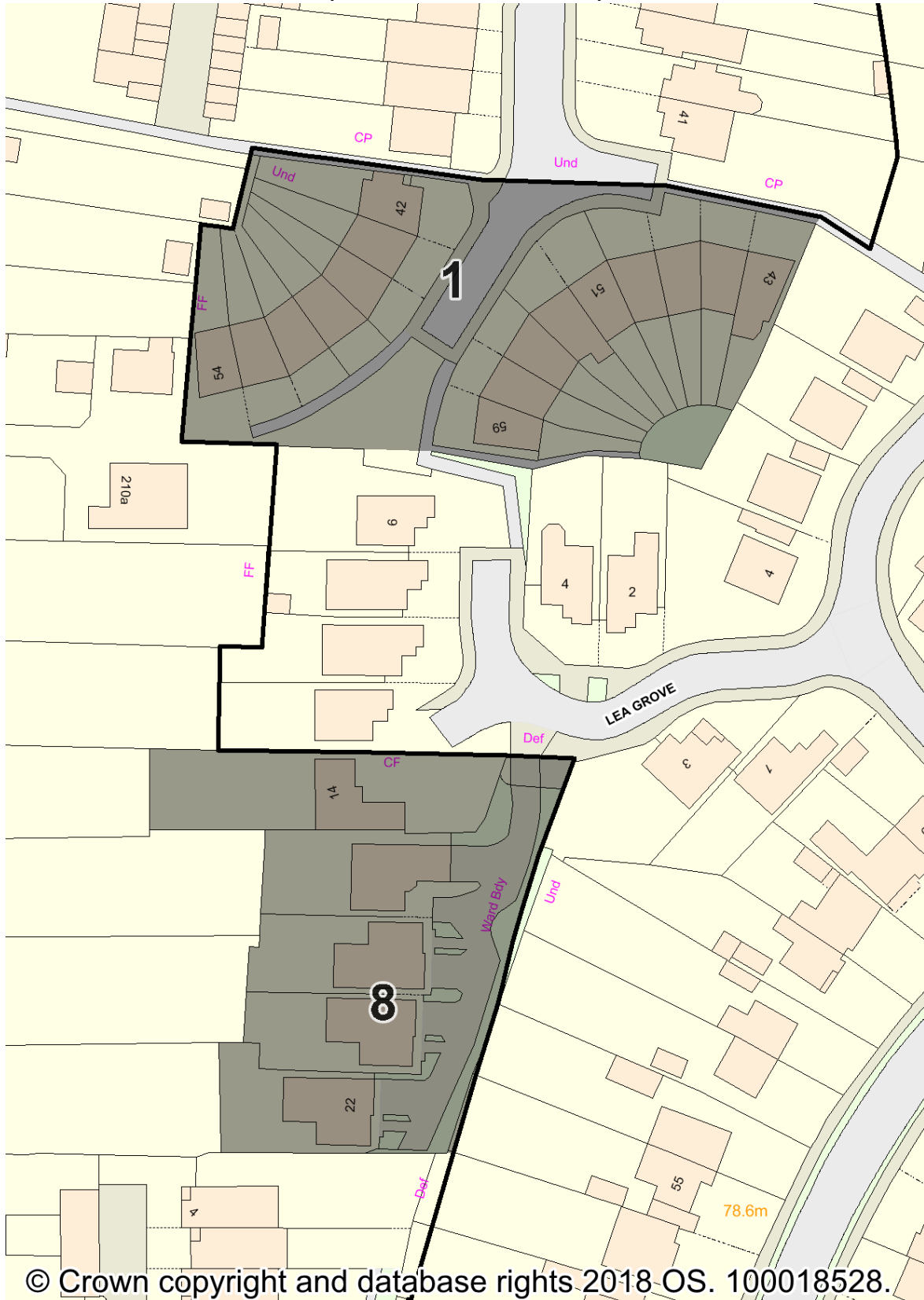
MAP REFERRED TO IN THE EAST HERTFORDSHIRE (REORGANISATION OF COMMUNITY GOVERNANCE) (BISHOP'S STORTFORD AND THORLEY) ORDER 2018

SHEET NUMBER 2 – ALTERATION OF PARISH AREAS



MAP REFERRED TO IN THE EAST HERTFORDSHIRE (REORGANISATION OF COMMUNITY GOVERNANCE) (BISHOP'S STORTFORD AND THORLEY) ORDER 2018

SHEET NUMBER 3 – ALTERATION OF AREAS OF PARISH WARDS
(Collins Cross and Lea Grove)



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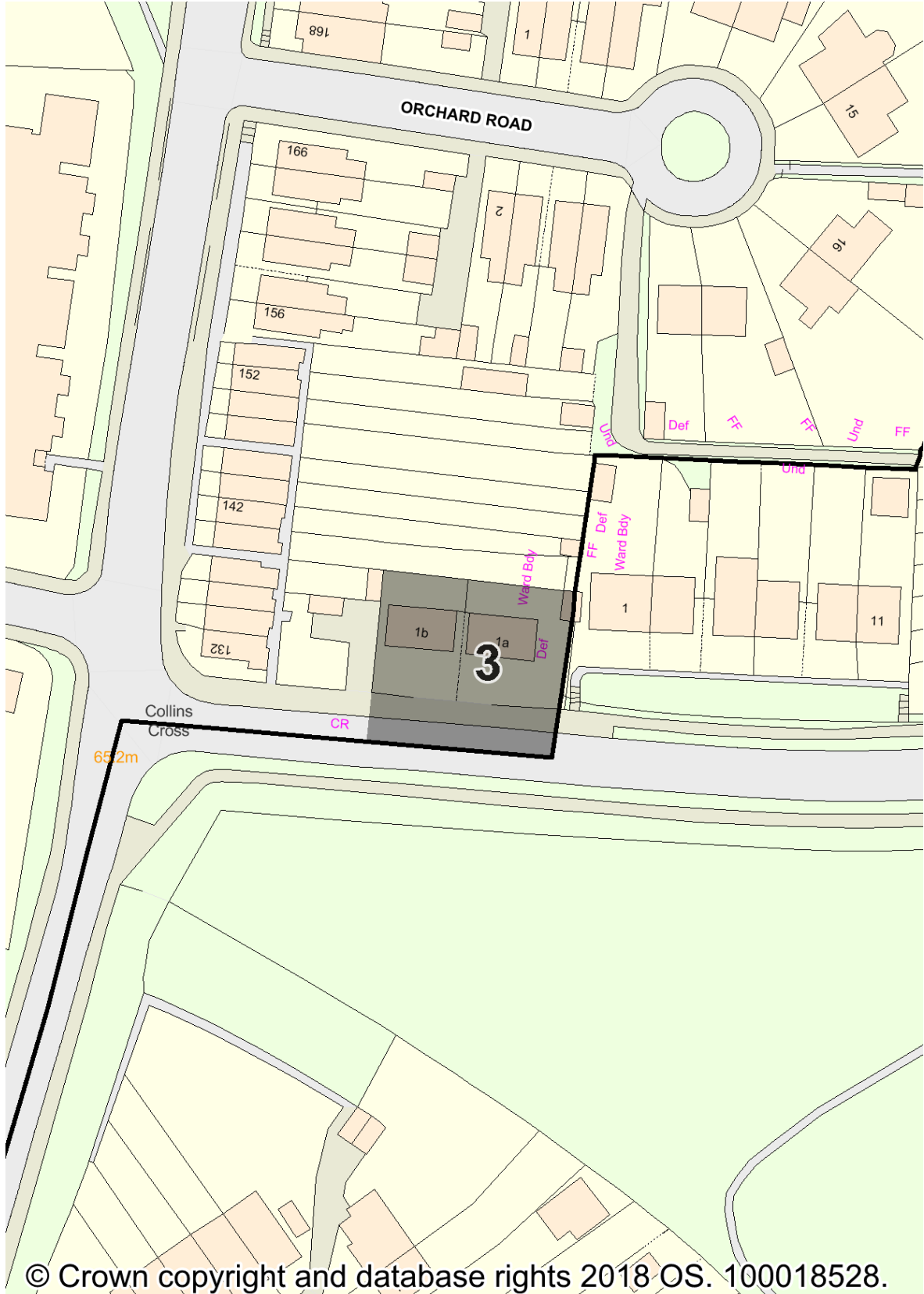
MAP REFERRED TO IN THE EAST HERTFORDSHIRE (REORGANISATION OF COMMUNITY GOVERNANCE) (BISHOP'S STORTFORD AND THORLEY) ORDER 2018

SHEET NUMBER 4 – ALTERATION OF AREAS OF PARISH WARDS
(High Street)



MAP REFERRED TO IN THE EAST HERTFORDSHIRE (REORGANISATION OF COMMUNITY GOVERNANCE) (BISHOP'S STORTFORD AND THORLEY) ORDER 2018

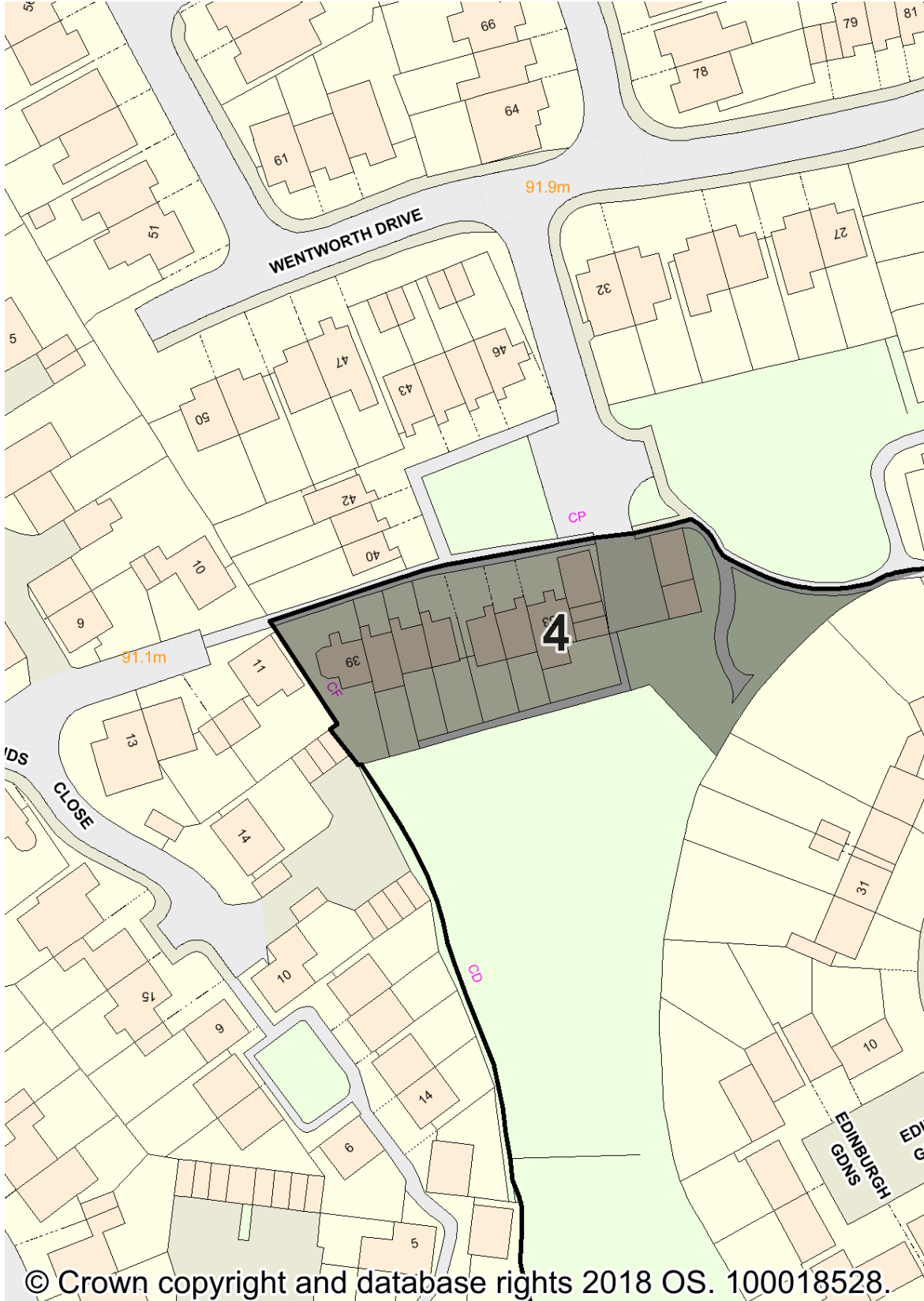
SHEET NUMBER 5 – ALTERATION OF AREAS OF PARISH WARDS
(Parsonage Lane)



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MAP REFERRED TO IN THE EAST HERTFORDSHIRE (REORGANISATION OF COMMUNITY GOVERNANCE) (BISHOP'S STORTFORD AND THORLEY) ORDER 2018

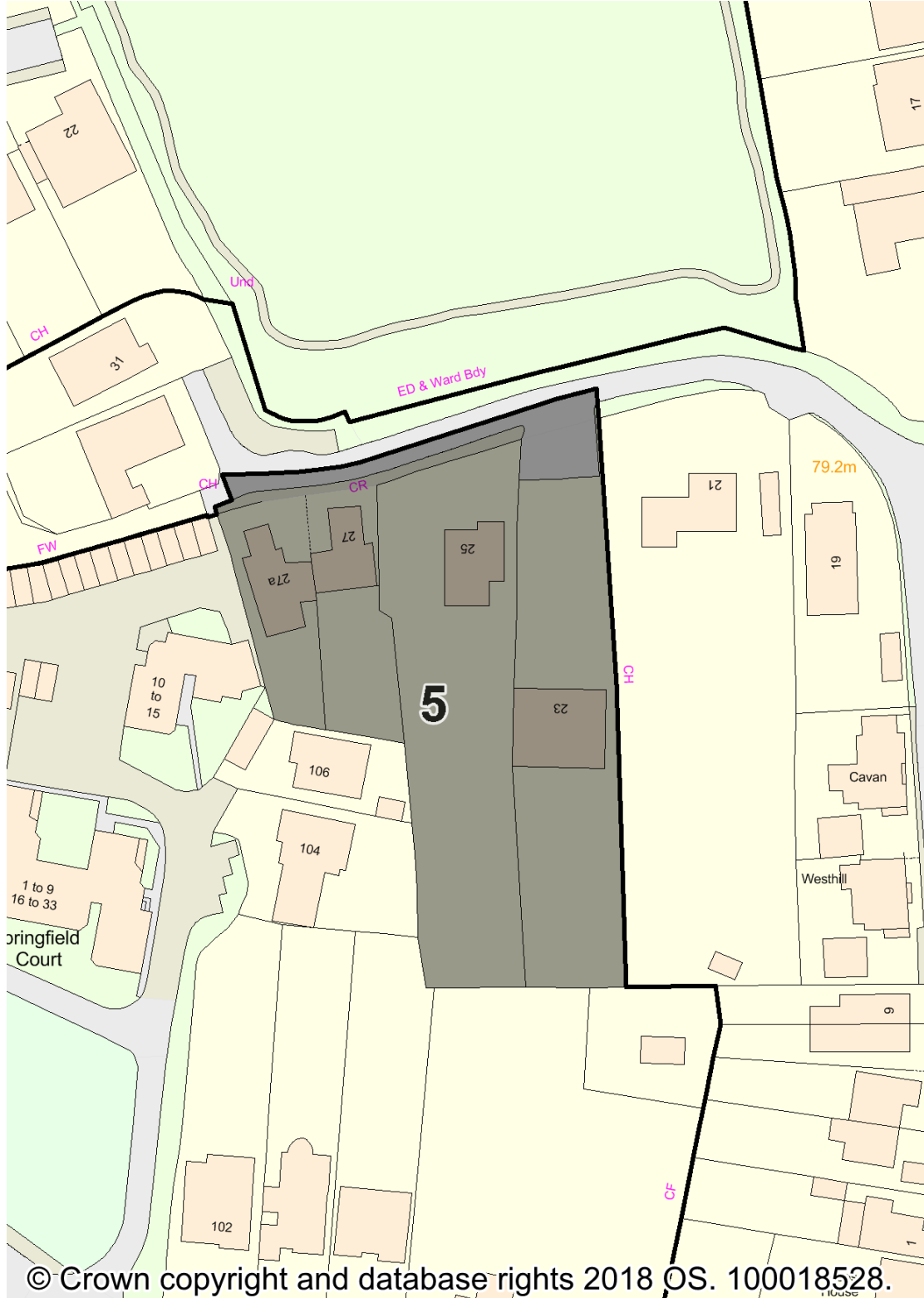
SHEET NUMBER 6 – ALTERATION OF AREAS OF PARISH WARDS
(Wentworth Lane)



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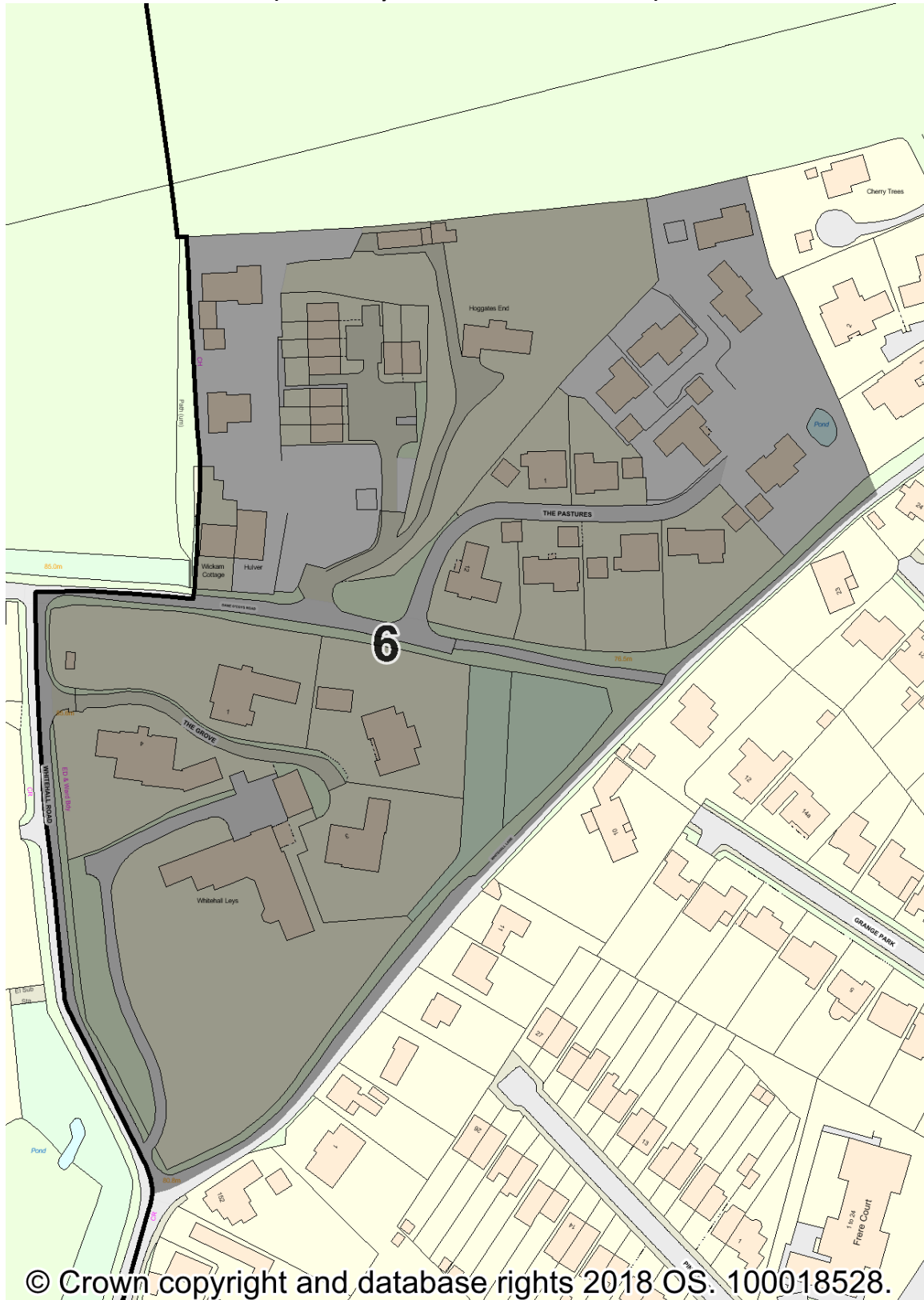
MAP REFERRED TO IN THE EAST HERTFORDSHIRE (REORGANISATION OF COMMUNITY GOVERNANCE) (BISHOP'S STORTFORD AND THORLEY) ORDER 2018

SHEET NUMBER 7 – ALTERATION OF AREAS OF PARISH WARDS
(Westfield Road)



MAP REFERRED TO IN THE EAST HERTFORDSHIRE (REORGANISATION OF COMMUNITY GOVERNANCE) (BISHOP'S STORTFORD AND THORLEY) ORDER 2018

SHEET NUMBER 8 – ALTERATION OF AREAS OF PARISH WARDS
(Dane O'coys Road and Whitehall Road)



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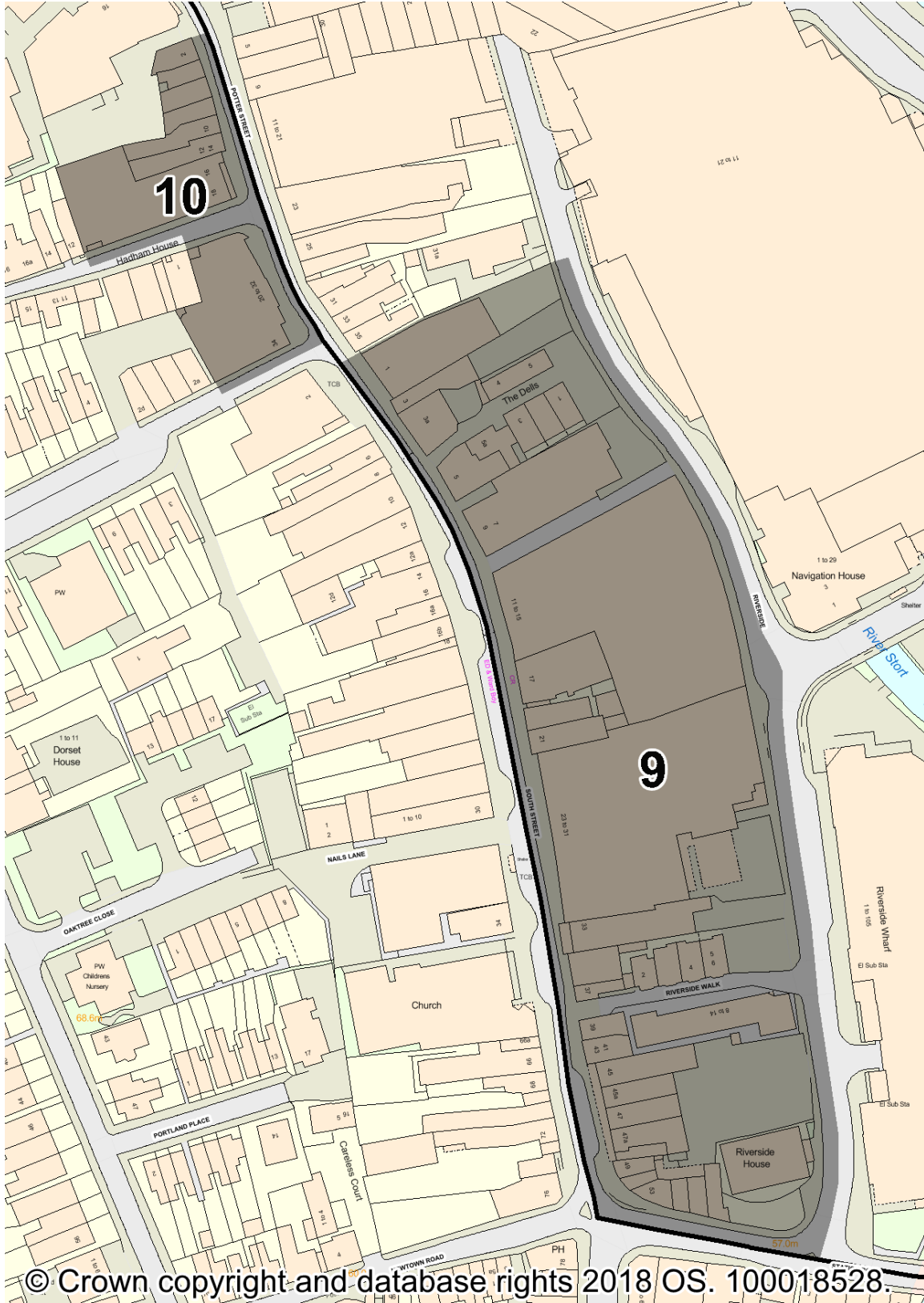
MAP REFERRED TO IN THE EAST HERTFORDSHIRE (REORGANISATION OF COMMUNITY GOVERNANCE) (BISHOP'S STORTFORD AND THORLEY) ORDER 2018

SHEET NUMBER 9 – ALTERATION OF AREAS OF PARISH WARDS
(Honeysuckle House, Great Hadham Road)



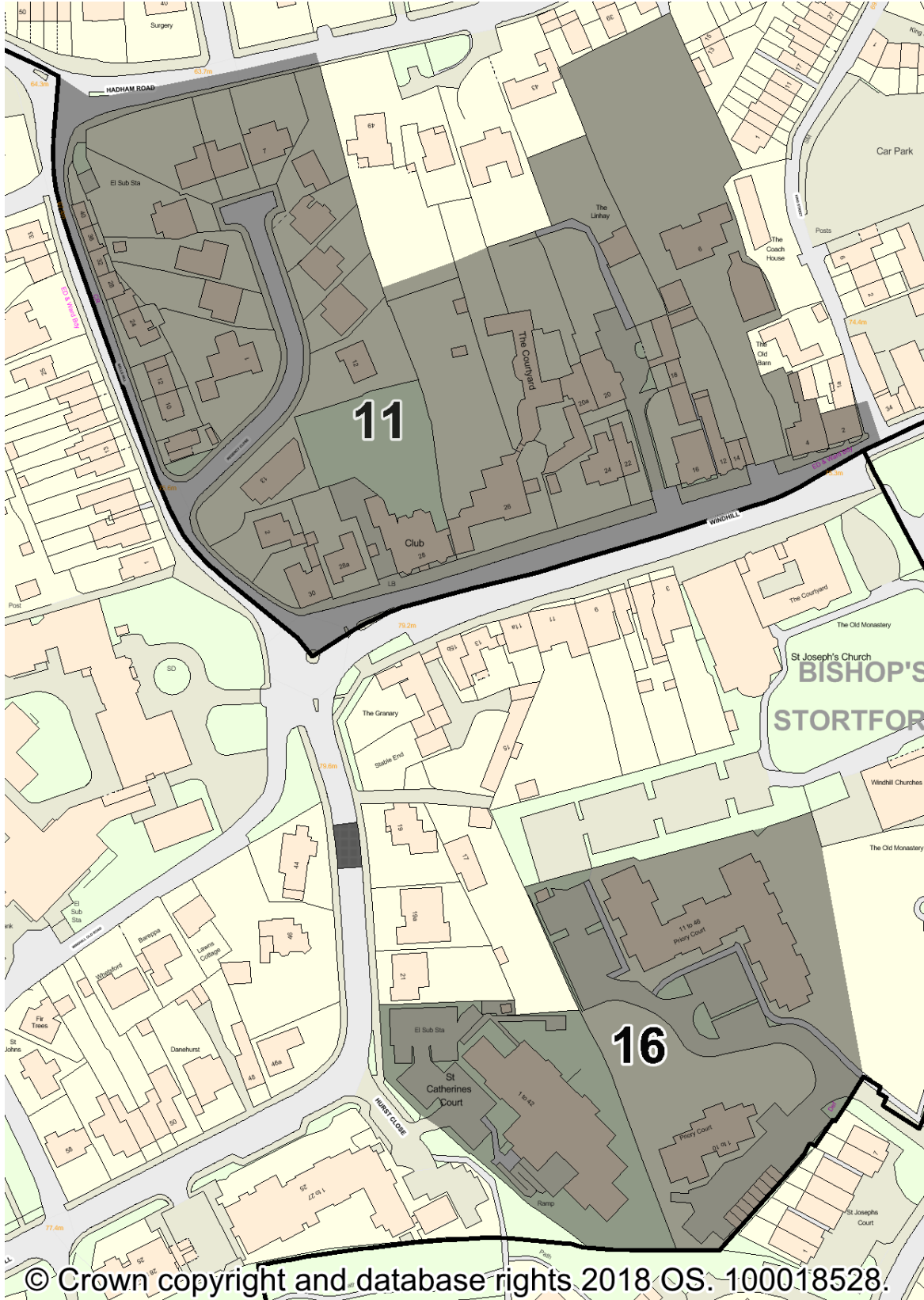
MAP REFERRED TO IN THE EAST HERTFORDSHIRE (REORGANISATION OF COMMUNITY GOVERNANCE) (BISHOP'S STORTFORD AND THORLEY) ORDER 2018

**SHEET NUMBER 10 – ALTERATION OF AREAS OF PARISH WARDS
(South Street and Potter Street)**



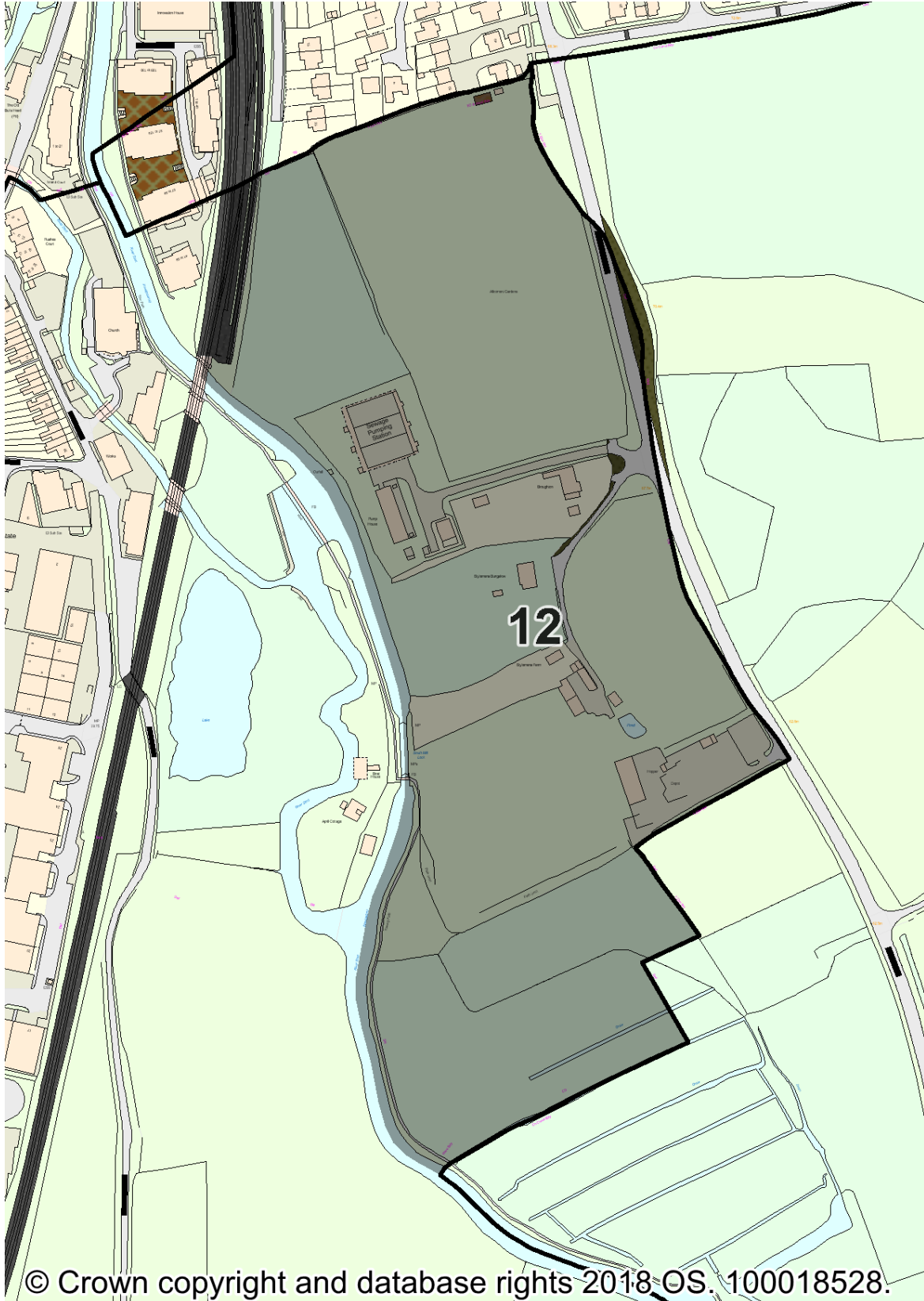
MAP REFERRED TO IN THE EAST HERTFORDSHIRE (REORGANISATION OF COMMUNITY GOVERNANCE) (BISHOP'S STORTFORD AND THORLEY) ORDER 2018

SHEET NUMBER 11 – ALTERATION OF AREAS OF PARISH WARDS
(Bells Hill/Regency Close/Windhill and Priory Court)



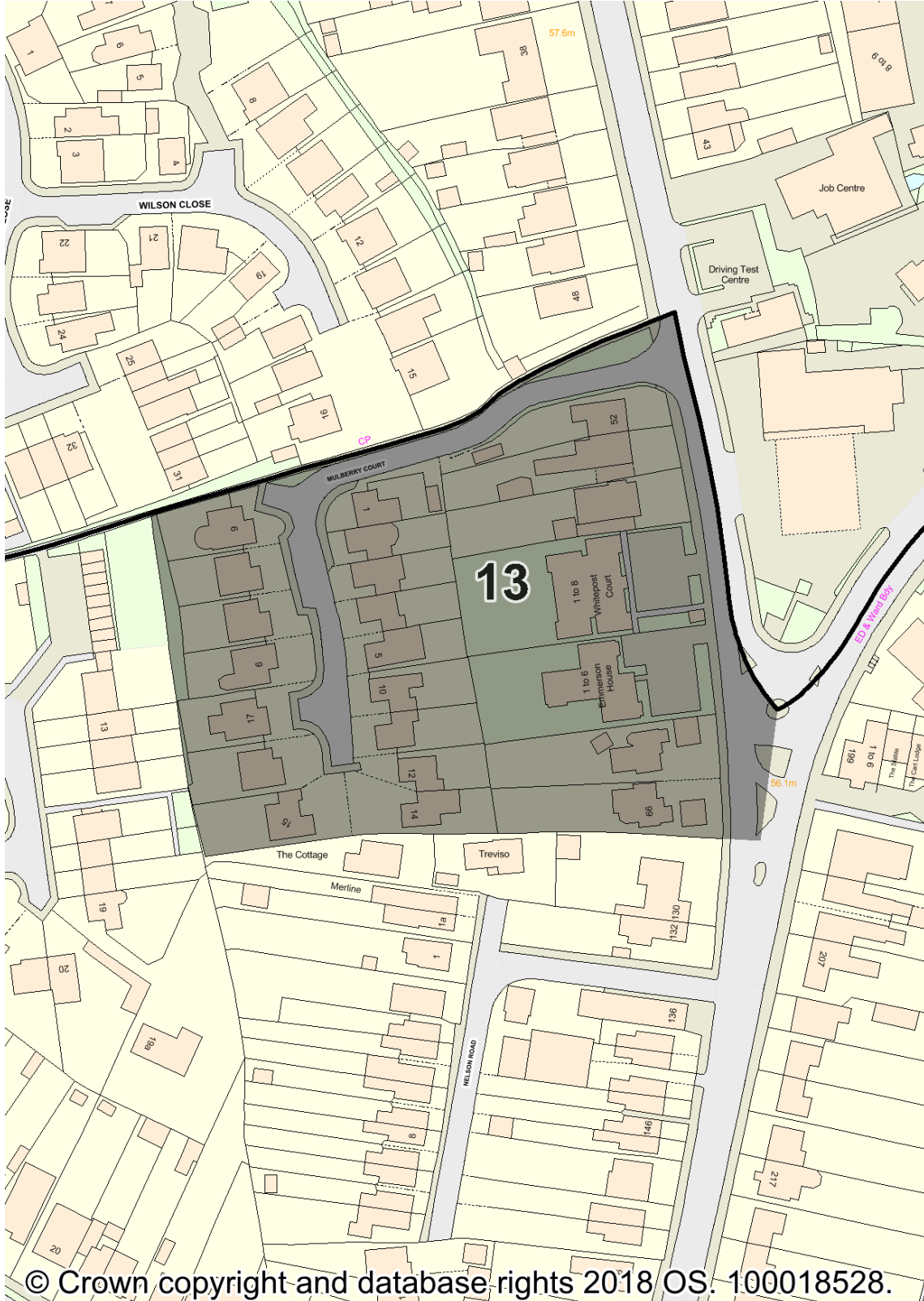
MAP REFERRED TO IN THE EAST HERTFORDSHIRE (REORGANISATION OF COMMUNITY GOVERNANCE) (BISHOP'S STORTFORD AND THORLEY) ORDER 2018

**SHEET NUMBER 12 – ALTERATION OF AREAS OF PARISH WARDS
(Styleman's Farm, Hallingbury Road)**



MAP REFERRED TO IN THE EAST HERTFORDSHIRE (REORGANISATION OF COMMUNITY GOVERNANCE) (BISHOP'S STORTFORD AND THORLEY) ORDER 2018

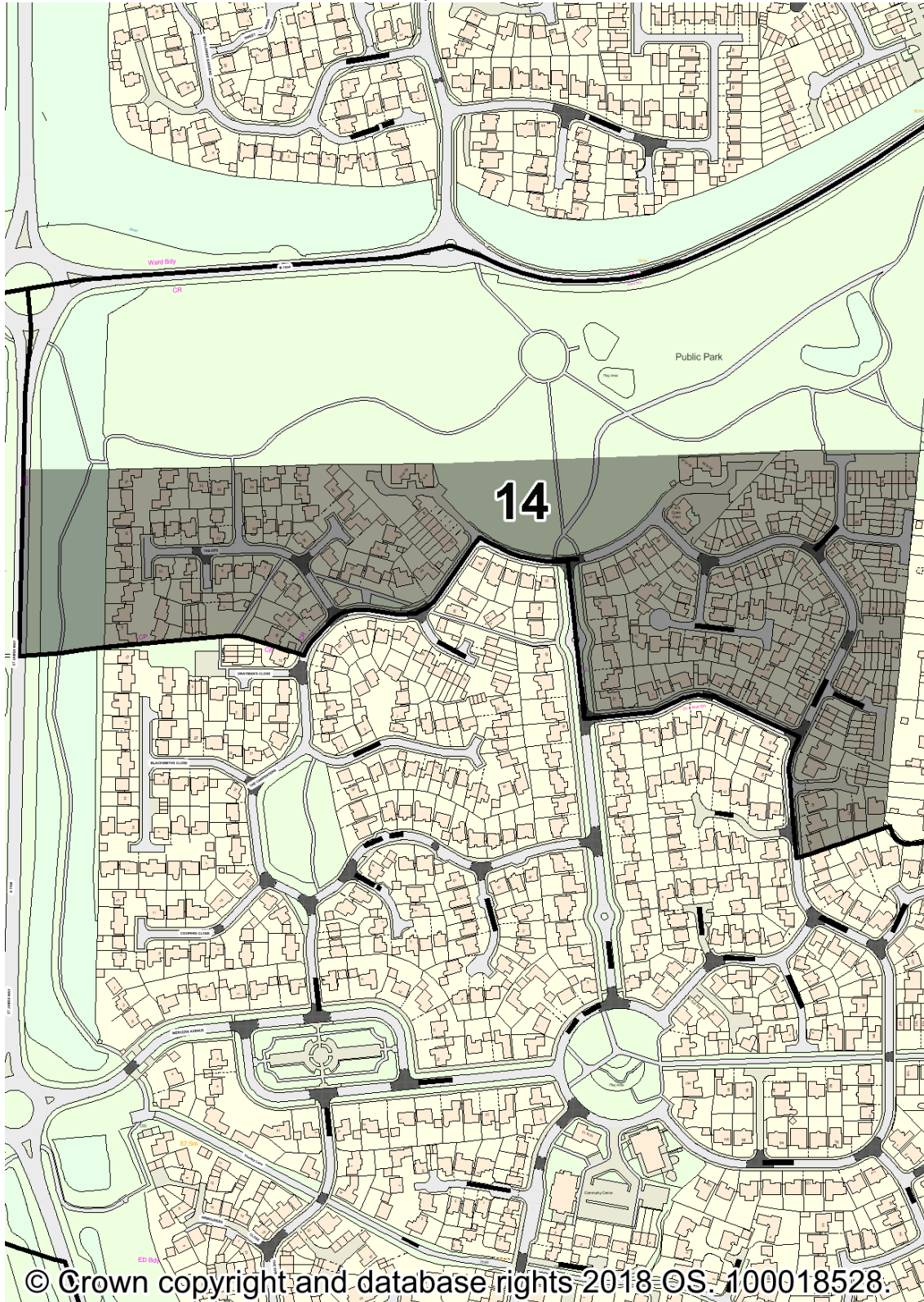
**SHEET NUMBER 13 – ALTERATION OF AREAS OF PARISH WARDS
(South Road and Mulberry Court)**



MAP REFERRED TO IN THE EAST HERTFORDSHIRE (REORGANISATION OF COMMUNITY GOVERNANCE) (BISHOP'S STORTFORD AND THORLEY) ORDER 2018

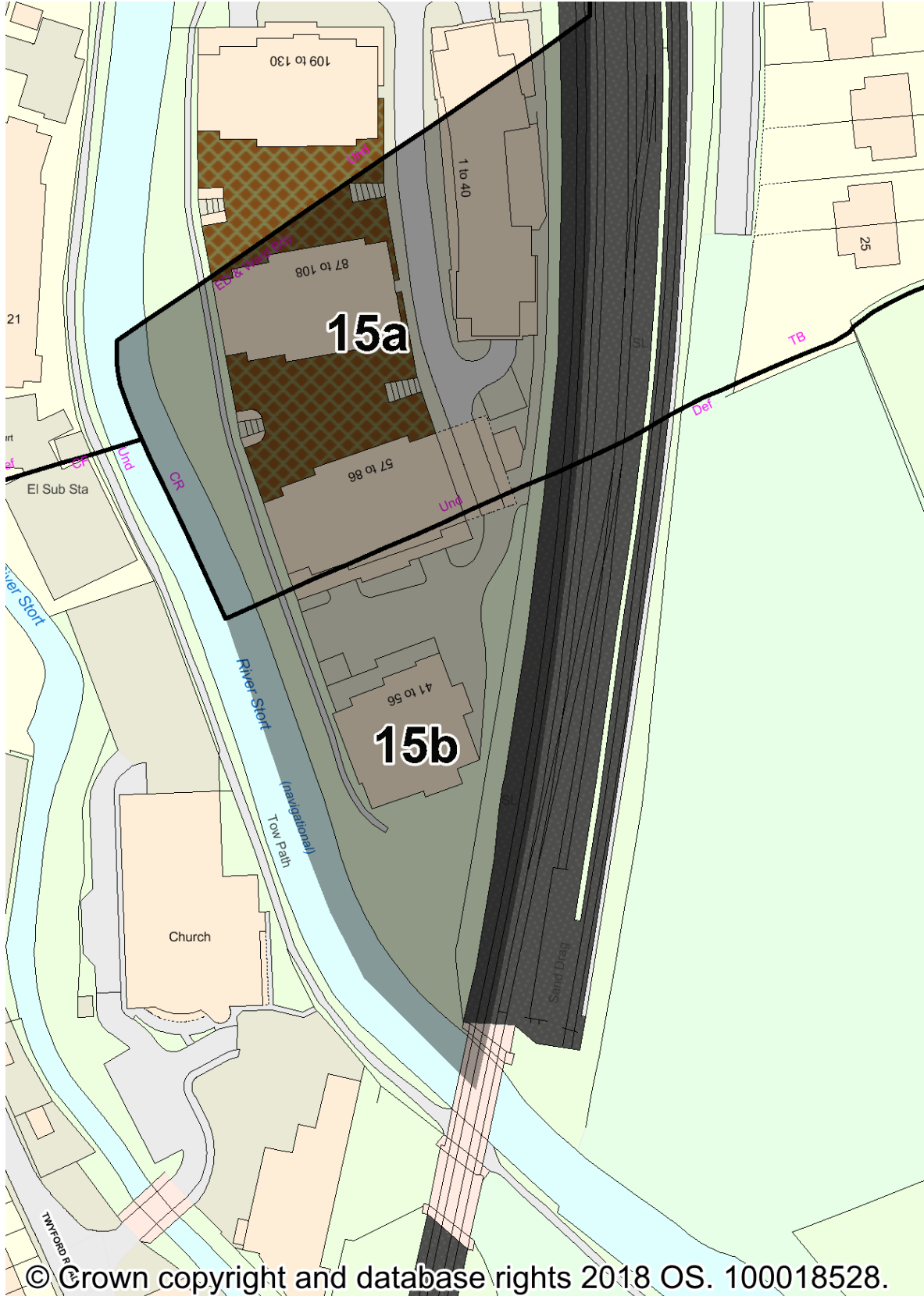
SHEET NUMBER 14 – ALTERATION OF AREAS OF PARISH WARDS

(The Thatchers, Stockmen Field, Drovers Way, Wainwright Street, Brewers Close, Thresher Close, The Carpenters, Tailors)



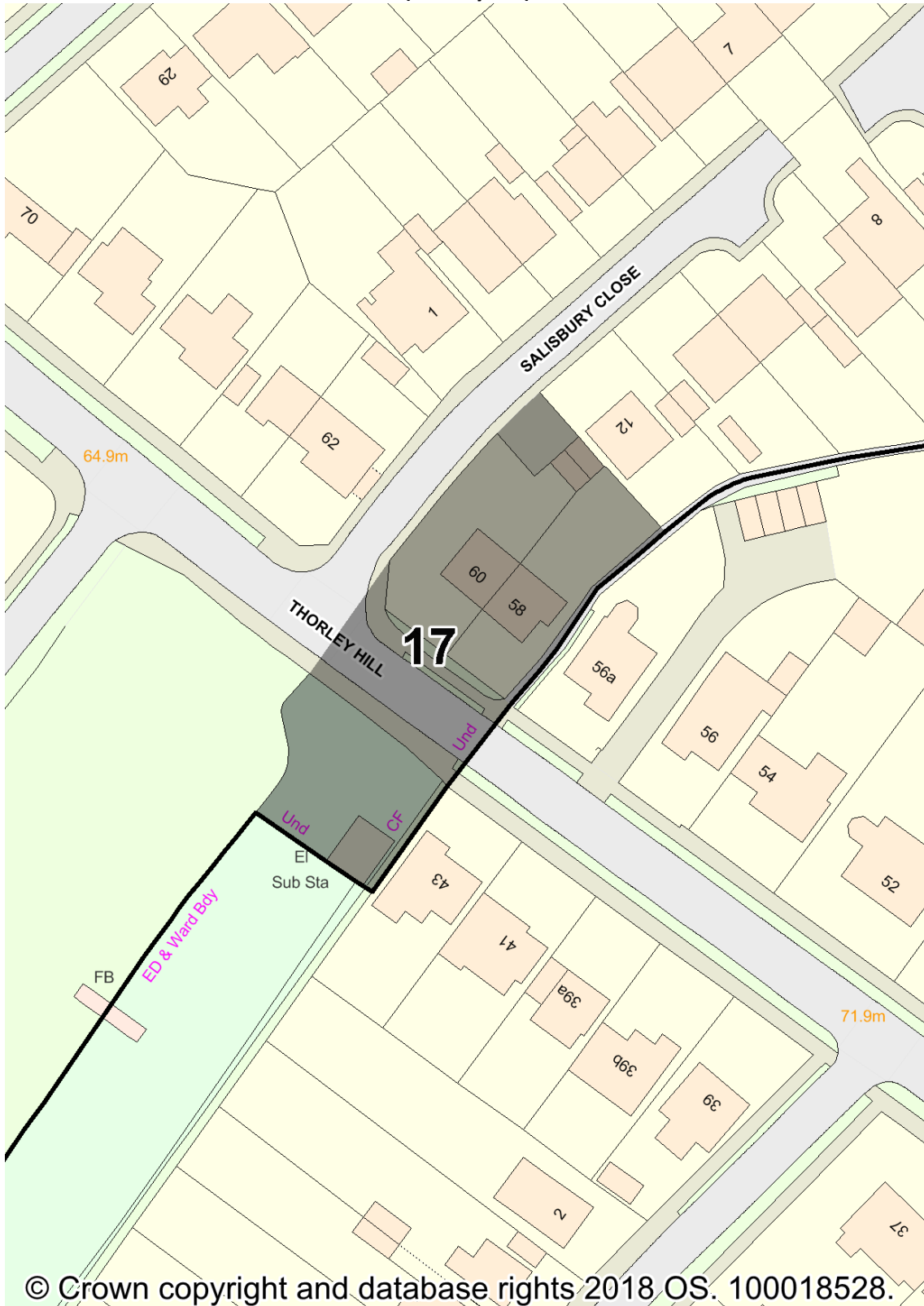
MAP REFERRED TO IN THE EAST HERTFORDSHIRE (REORGANISATION OF COMMUNITY GOVERNANCE) (BISHOP'S STORTFORD AND THORLEY) ORDER 2018

SHEET NUMBER 15 – ALTERATION OF AREAS OF PARISH WARDS
(Tanners Wharf)



MAP REFERRED TO IN THE EAST HERTFORDSHIRE (REORGANISATION OF COMMUNITY GOVERNANCE) (BISHOP'S STORTFORD AND THORLEY) ORDER 2018

SHEET NUMBER 16 – ALTERATION OF AREAS OF PARISH WARDS
(Thorley Hill)



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BISHOP'S STORTFORD TOWN COUNCIL – COPY OF REQUEST TO EAST HERTFORDSHIRE DISTRICT COUNCIL FOR A COMMUNITY GOVERNANCE REVIEW

Sent: 20 December 2016 09:29
To: kevin.williams@eastherts.gov.uk
Subject: Formal request - Community Governance Review
Attachments: Bishop's Stortford Ward Boundary Maps.doc

Dear Kevin

Further to our previous conversations and emails I am now able to confirm that, having regard to

- a. existing and planned future developments which are contiguous with the built up area of Bishop's Stortford parish yet breach current parish boundaries and
- b. the fact that, as a result of development since the parish boundary was last reviewed, the current parish boundary to the south/west of the Town no longer meets the criteria for parish boundaries set out in the document "Guidance on community governance reviews" published by the Department for Communities and Local Government
- c. that anomalies exist in ward boundaries within the parish due to various historical reasons

Bishop's Stortford Town Council formally requests a community governance review and in particular:

- 1. That the boundary of the parish of Bishop's Stortford be amended so that the whole of the District South Ward is included within the parish of Bishop's Stortford
- 2. That changes to ward boundaries within the parish of Bishop's Stortford be made as set out below
- 3. That the District Council requests the Boundary Commission to make changes in District Wards and County Divisions corresponding to the changes in the parish ward boundaries
 - 1. Changes to roads which have residents in more than one ward and where it is requested that the boundary be re-drawn so that all properties are in the ward which currently has the largest number of electors:

Street/Road	Current Properties	Proposed Properties
Collins Cross	All Saints: 13 Meads: 37	Meads: 50
High Street	Central: 3 Meads: 1	Central: 4

Parsonage Lane	All Saints: 70 Meads: 2	All Saints: 72
Wentworth Drive	Central: 6 Silverleys: 72	Silverleys: 78
Westfield Road	Meads: 19 Silverleys: 4	Meads: 23
Dane O'coys Road, Whitehall Road	Meads: 3 Silverleys: 20	Silverleys: 23
Great Hadham Road (Honeysuckle House)	Silverleys: 2 South: 1	Silverleys: 3
Lea Grove	All Saints: 8 Meads: 5	All Saints: 13
South Road	Central: 40 South: 5	Central: 45
South Street	Central: 26 Meads: 11	Central: 37
Potter Street	Central: 1 Meads: 3	Meads: 4

2. Changes to roads which have residents in more than one ward and where it is requested that the boundary be re-drawn so that the road(s) are in the ward from which access is gained or for some other reason as noted

Street	Current	Proposed	Note
Bells Hill, Regency Close, Windhill	Meads: 35 Silverleys: 73	Silverleys: 108	Bells Hill & Windhill are split; Regency Close is accessed from Bells Hill so logically should move with Bells Hill
Styleman's Farm (Hallingbury Road)	South: 2	All Saints: 2	Properties are separated from South ward by the River Stort. Access is from All Saints
Mulberry Court	South: 16	Central: 16	Access is from Central Ward only

Street	Current	Proposed	Note
The Thatchers, Stockmen Field, Drovers Way, Wainwright Street, Brewers Close, Thresher Close, The Carpenters, Tailors	Central: 224 South: 119	South: 343	Several roads in this natural group are split. Access is from South Ward
Tanners Wharf	All Saints: 76 Central: 19 South: 10	Central: 105	Access is from Central Ward
Priory Court	Silverleys: 35	Central: 35	This is a 'backland' development the Monastery estate from Access is from Central Ward
Thorley Hill	Central: 28 South: 54	Central: 26 South: 56	Change boundary so that split is at a natural point (a road)

The approximate effect of these changes on the numbers of electors (based on the 2015 electoral register) is set out below

Ward	Elector Gain	Elector Loss	Overall Change	Current Electors	Electors After Change	% Difference	Electors Per Town Councillor - current	Electors Per Town Councillor after changes	Electors Per District Councillor - current	Electors Per District Councillor after changes
All Saints	27	131	-104	5794	5690	-1.79%	1449	1423	1931	1897
Central	233	464	-231	6948	6717	-3.32%	1737	1679	2316	2239
Meads	35	116	-81	4359	4278	-1.86%	1453	1426	2180	2139
Silverleys	133	54	79	4061	4140	1.95%	1354	1380	2031	2070
South	411	74	337	5964	6301	5.65%	1491	1575	1988	2100
(Max-Min)/average (ie							25.6%	20.0%	18.4%	16.4%

variation)

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Maps showing the proposed realignments of the ward boundaries set out in the tables above are attached. No map is attached in respect of the change in the Parish boundary as this is already an established electoral line.

Yours sincerely

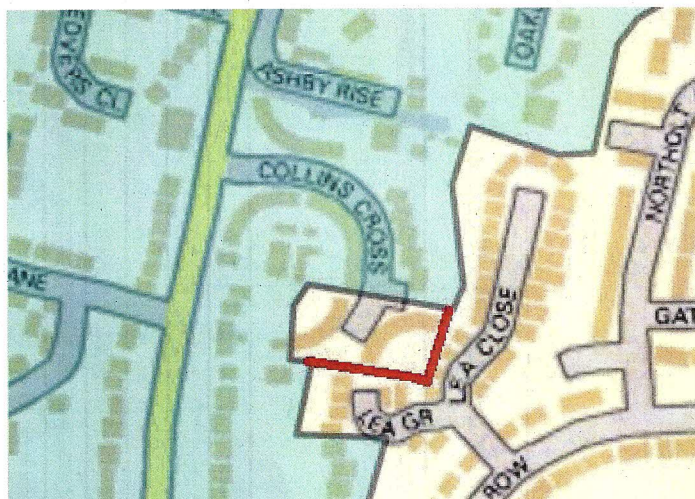
James Parker
Chief Executive Officer

Bishop's Stortford Town Council
The Old Monastery
Windhill
Bishop's Stortford
CM23 2ND

Bishop's Stortford Ward Boundary Changes Maps

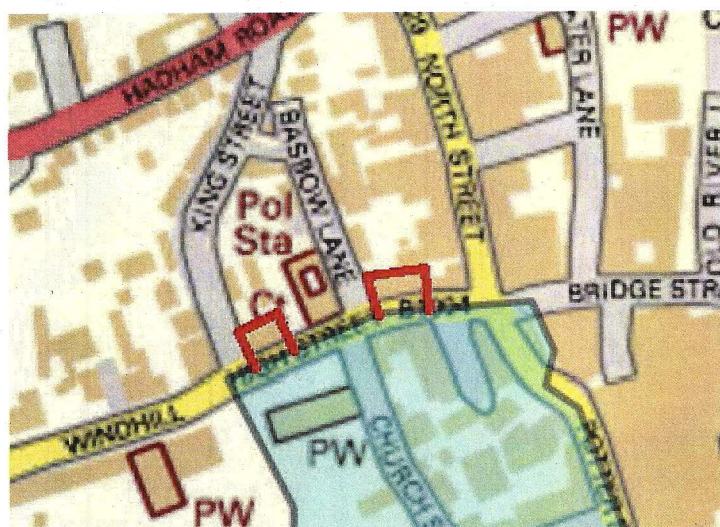
In all cases change ward boundary to red outline

Collins Cross (Transfer to Meads, blue)



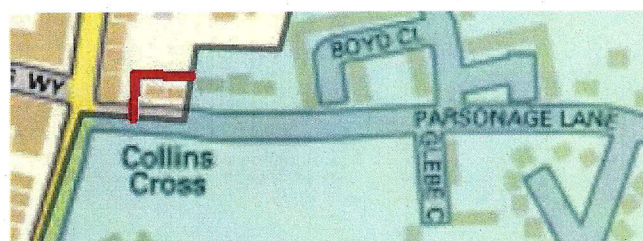
Transfer to Meads (blue)

High Street



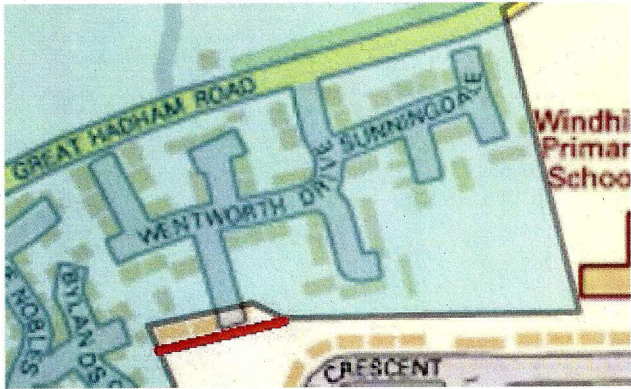
Transfer to Central (blue)

Parsonage Lane



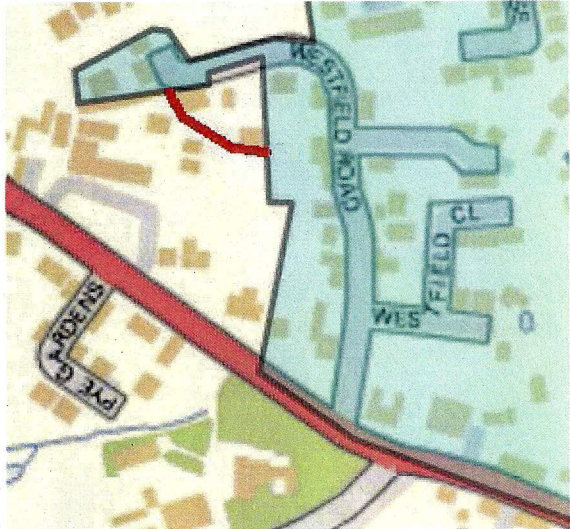
Transfer to All Saints (blue)

Wentworth Drive



Transfer to Silverleys (blue)

Westfield Road



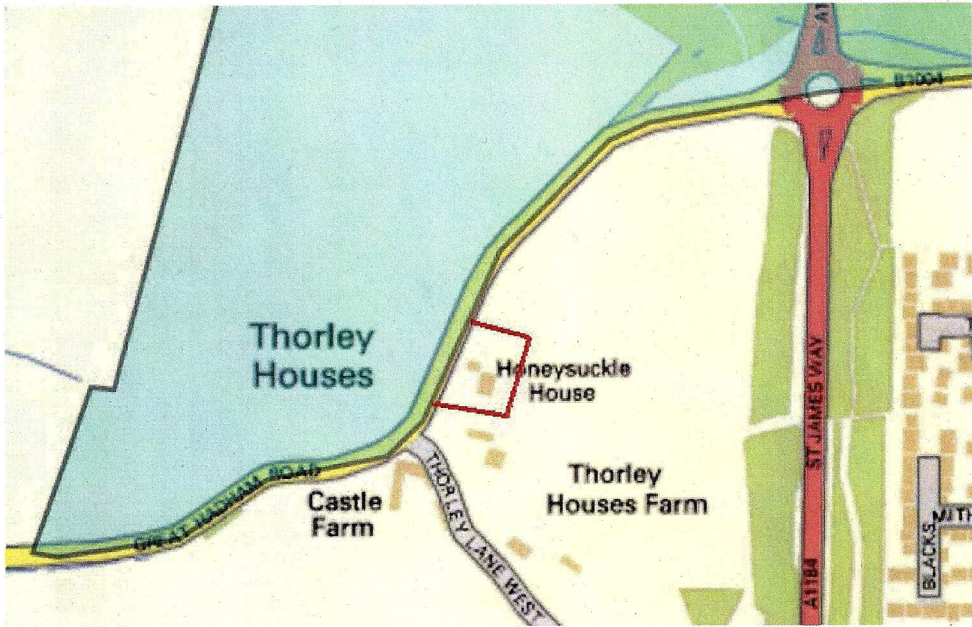
Transfer to Meads (blue)

Dane O'Coys Road, Whitehall Road



Transfer to
Silverleys (blue)

Great Hadham Road (Honeysuckle House)



Transfer to
Silverley
(blue)

Lea Grove



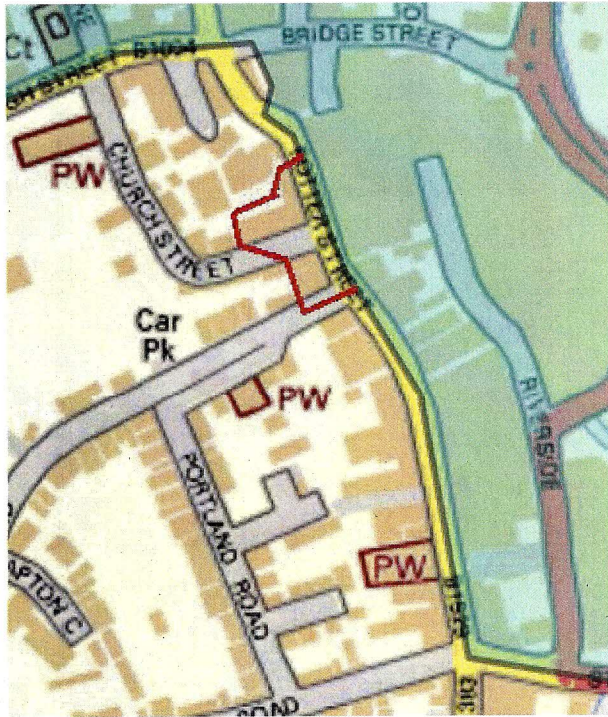
Transfer to All Saints (blue)

South Street



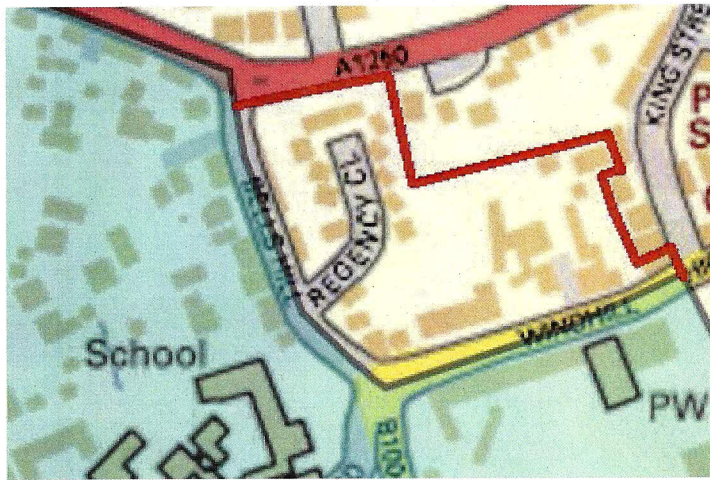
Transfer to Central (blue)

Potter Street



Transfer to Meads (blue)

Bells Hill, Regency Close, Windhill



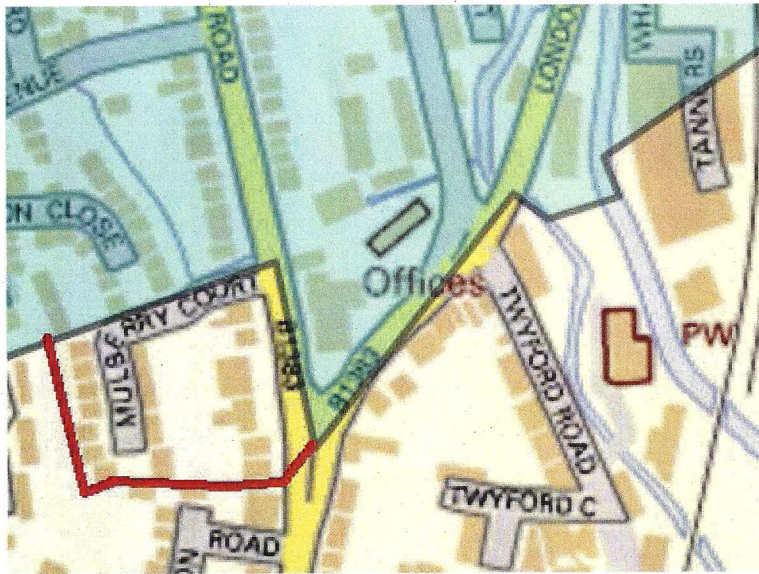
Transfer to Silverleys (blue)

Styleman's Farm (Hallingbury Road)



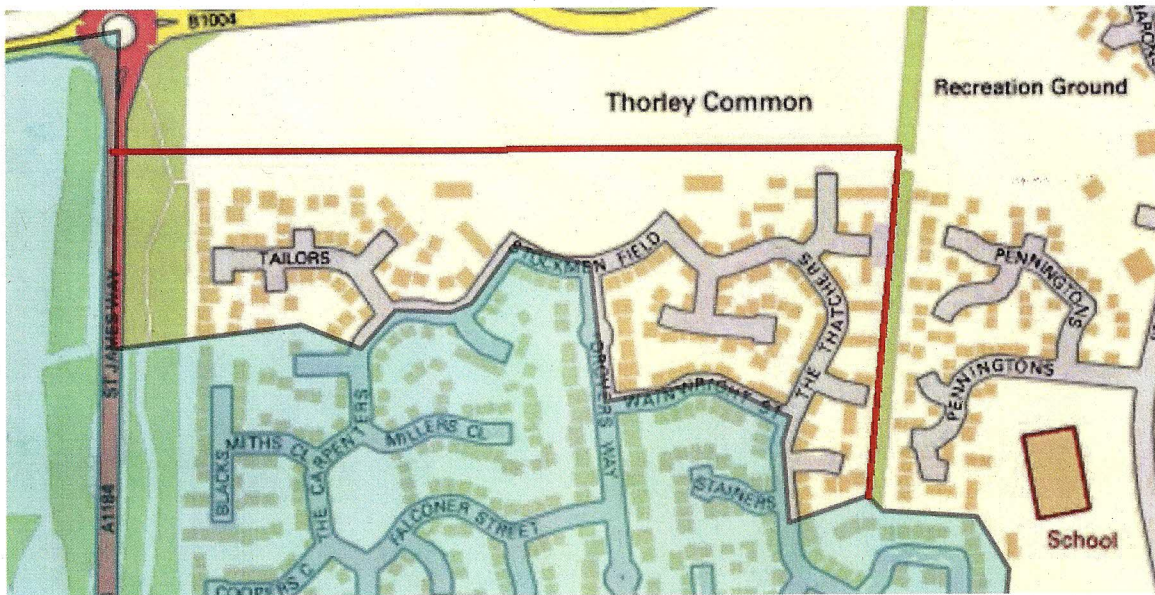
Transfer
to All
Saints
(blue)

Mulberry Court, South Road



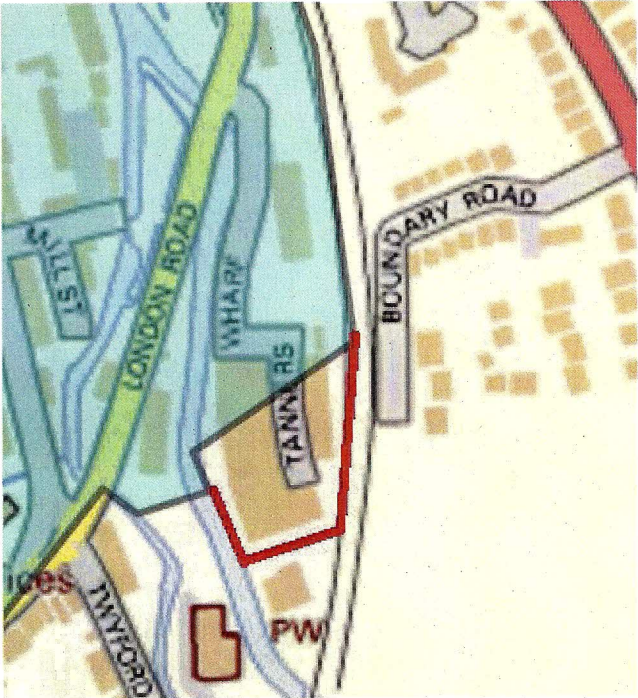
Transfer to Central (blue)

The Thatchers, Stockmen Field, Drovers Way, Wainwright Street, Brewers Close, Thresher Close, The Carpenters, Tailors



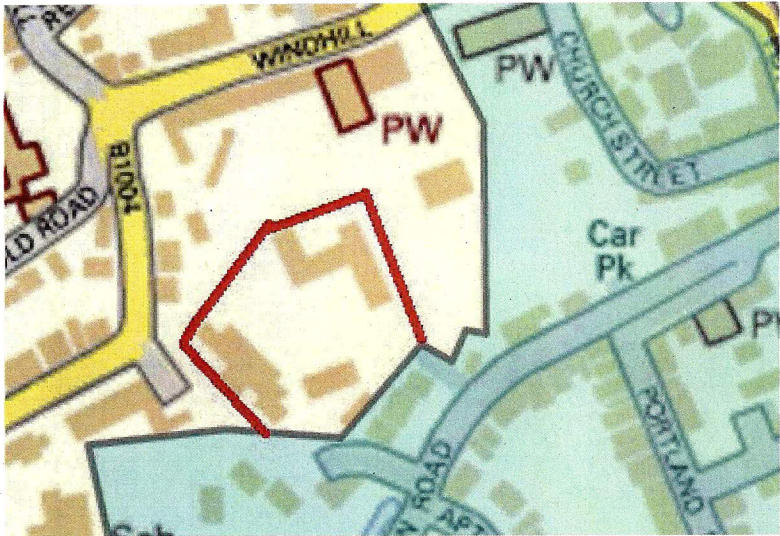
Transfer to South (blue)

Tanners Wharf



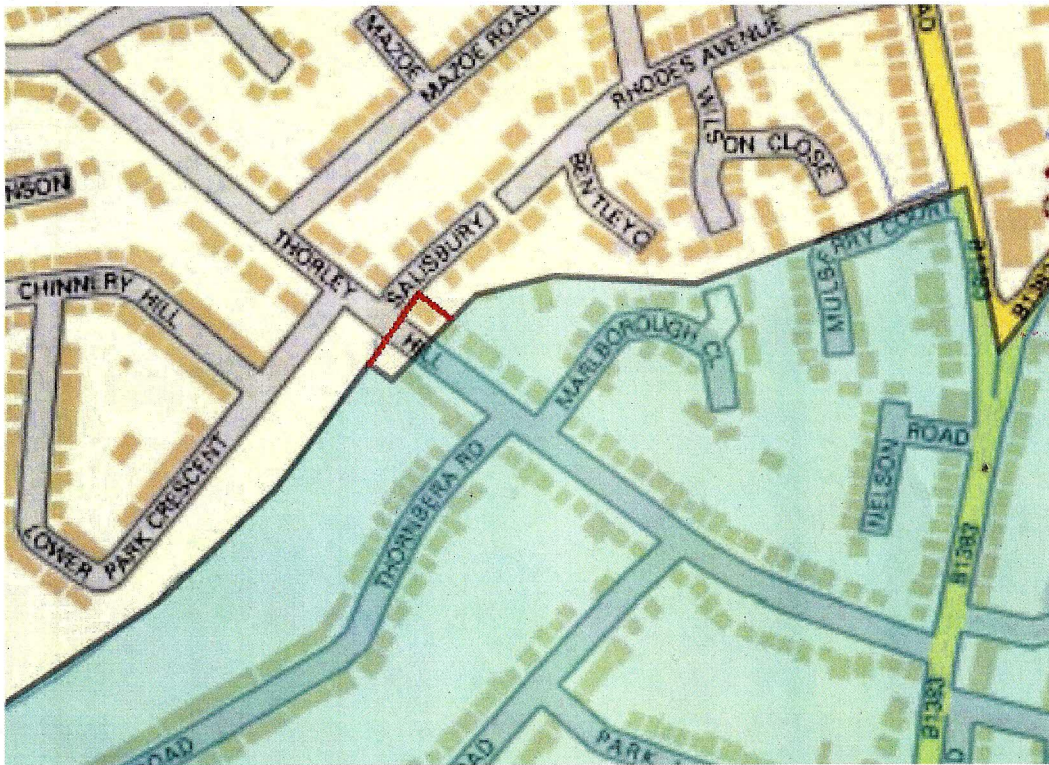
Transfer to Central (blue)

Priory Court



Transfer to Central (blue)

Thorley Hill



Transfer to South (blue)

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EAST HERTFORDSHIRE DISTRICT COUNCIL**COMMUNITY GOVERNANCE REVIEW OF BISHOP'S STORTFORD
TOWN COUNCIL****TERMS OF REFERENCE****1. INTRODUCTION**

- 1.1 East Hertfordshire District Council ('the Council') has resolved to undertake a Community Governance Review ('the review') of Bishops' Stortford Town Council (including its town boundary).
- 1.2 The review will have regard to existing and planned developments adjacent to the southern boundary of the area served by Bishop's Stortford Town Council and will consider whether to recommend any alteration to the existing parish boundaries and any consequent changes to the electoral arrangements for any parish. The review will also consider whether any changes should be made to the ward boundaries within the Bishop's Stortford Town Council area.
- 1.3 In undertaking this review the Council has considered the Guidance on Community Governance Reviews issued in March 2010 by the Secretary of State for Communities and Local Government and will be guided by Part 4 of the Local Government and Public Involvement in Health Act 2007 ('the 2007 Act'), the relevant parts of the Local Government Act 1972 and associated regulations.
- 1.4 These terms of reference set out the aims of the review, the matters on which it will focus and policies that the Council considers relevant to the review. The terms of reference will be published on the Council's website and in hard copy and will be made available at the District Council offices and at other venues within the area under review.

Reasons for the review

- 1.5 The Council is undertaking the review at this time in response to a request from Bishop's Stortford Town Council.
- 1.6 The Town Council identified development to the south of the town which has occurred since the boundaries were last reviewed and which crosses the parish boundary, and areas of further potential development either already consented or envisaged within the draft district plan. Parts of the areas identified are currently in Thorley Parish but the Town Council considers the developments are, or will be, seen as part of Bishop's Stortford. The Town Council has therefore suggested that its boundary with Thorley Parish be re-drawn to follow the existing district ward boundary, thereby including the whole of the District Council's Bishop's Stortford South Ward within the area of Bishop's Stortford Town Council.

- 1.7 In relation to ward boundaries within the Town Council's existing area, the Town Council has identified a number of detailed proposals to address perceived anomalies, split roads and population changes which it considers require amendments to the boundaries.

Community Governance Reviews

- 1.8 A Community Governance Review is a review of the whole or part of the district to consider one or more of the following:
- Creating, merging, altering or abolishing parishes;
 - The naming of parishes and the style of new parishes;
 - The electoral arrangements for parishes (the ordinary year of election; council size; the number of councillors to be elected to the council, and parish warding), and/or
 - Grouping parishes under a common parish council or de-grouping parishes.

The aims of the review

- 1.9 In accordance with the 2007 Act the Council will have regard to the need to secure community governance within the area under review which:-
- Is reflective of the identities and interests of the community in that area;
 - Provides for effective and convenient local government; and
 - Takes into account any other arrangements for the purposes of community representation or community engagement in the area.
- 1.10 When considering the above criteria, Government guidance states that the Council should take into account:-
- The impact of community governance arrangements on community cohesion; and
 - The size, population and boundaries of a local community or parish.
- 1.11 The guidance emphasises that 'the recommendations made in a community governance review ought to bring about improved community engagement, better local democracy and result in more effective and convenient delivery of local services'.

2. CONSULTATION

- 2.1 In coming to its recommendations in the review, the Council will take account of the views of local people and stakeholders. Legislation requires the Council to consult the local government electors for the area under review and any other person or body who appears to have an interest in the review, and to take the representations that are received into account by judging them against the criteria in the 2007 Act.

- 2.2 The Council wishes to promote community engagement and transparency in decision-making. In relation to the review the Council will:
- Publish these terms of reference and accept submissions by post or via e-mail or the Council's website;
 - Publicise the review by providing information to the relevant town and parish councils and by other printed and electronic means;
 - Consult residents, local organisations and elected representatives in the areas under review.
 - Make key documents available at the District Council offices and at other venues in the parishes affected;
 - Consider all submissions received; and
 - Publicise the outcome of the review.
- 2.3 The Council will notify Hertfordshire County Council that a review is to be undertaken; the County Council is a formal consultee of this process.
- 2.4 The Council will consider each case on its merits and on the basis of the information and evidence provided during the course of the review. The Council is mindful that proposals which are intended to reflect community identity and local linkages should be justified in terms of sound and demonstrable evidence of those identities and linkages.

3. THE TIMETABLE FOR THE REVIEW

- 3.1 Publication of these terms of reference formally begins the review, which must then be completed within twelve months.

Timetable for Community Governance Review of Bishop's Stortford Town Council	
Stage of process	Proposed dates
Publication of terms of reference	Tuesday 13 February 2018
Initial submissions	
Initial submissions invited/ publicity campaign	Tuesday 13 February – Friday 6 April 2018
Deadline for initial submissions	Friday 6 April 2018
Consideration of submissions/ preparation of draft recommendations	April – May 2018
Consultation on draft recommendations	
Publication of draft recommendations	May 2018
Consultation on draft recommendations/publicity campaign	May – July 2018

Deadline for consultation responses	Friday 20 July 2018
Consideration of responses/ preparation of final recommendations	July – September 2018
Decisions & implementation	
Publication of final recommendations	September 2018
Council meeting to make Reorganisation Order	Wednesday 17 October 2018
Revised electoral register published incorporating any amendments	1 December 2018
Implementation of any changes for financial/administrative purposes	1 April 2019
Parish council ordinary elections	2 May 2019

4. ISSUES FOR CONSIDERATION IN THE REVIEW

- 4.1 The review will consider current and projected patterns of population, development, community identify and linkages in the area under review; and whether these give rise to the need for any changes to parish boundaries and/or electoral arrangements.
- 4.2 Plans showing the existing parish and ward boundaries in the area under consideration; and the area identified in the request from Bishop’s Stortford Town Council at paragraph 1.6 above are attached at Appendix ‘A’ to these terms of reference.
- 4.3 In reviewing the community governance arrangements of any parish in its area, the Council is required to consider the number of local government electors in the area under review, and any change in that number or the distribution of the electors which is likely to occur in the period of five years beginning with the day when the review starts.
- 4.4 The table below shows the current electorate of each of the parishes and parish wards affected by this review:-

Parish/Ward	Current electorate (February 2018)
Bishop’s Stortford – All Saints Ward	6,175
Bishop’s Stortford – Central Ward	7,481
Bishop’s Stortford – Meads Ward	4,715
Bishop’s Stortford – Silverleys Ward	4,196
Bishop’s Stortford – South Ward	6,212
Bishop’s Stortford - Total	28,779
Thorley – Rural Ward	47
Thorley – Urban Ward	466
Thorley - Total	513

- 4.5 Electorate forecasts for February 2023, taking into account information on developments underway or planned based on planning permissions granted and the draft District Plan will be published to inform the consultation process during the review and provided to the town and parish councils concerned.
- 4.6 As part of the consultation process the Council will also make available information on the Council Tax precept (Band D equivalent) currently applicable in each of the parishes under review.

5. POLICIES THAT WILL GUIDE THE REVIEW

Parishes

- 5.1 The Council considers that parishes should reflect distinctive and recognisable communities of interest, with their own sense of identity and that electors should be able to identify clearly with the parish in which they are resident. The feeling of local community and the wishes of local inhabitants are therefore important considerations in the review.
- 5.2 The Council will give careful consideration both to traditional community identities and historic parish arrangements; and to any changes that have happened over time, for example population movements or new development, that may have led to a different community identity in an area.
- 5.3 The Council wishes to ensure that parishes should be viable as an administrative unit and should possess a precept that enables them effectively to promote the well-being of their residents and contribute to the provision of services in their areas.

Boundaries

- 5.4 The Council considers that the boundaries between parishes will normally reflect the distinct community identities of the respective areas. Boundaries will often follow areas of low population between settlements or pronounced physical barriers (either natural or built) such as watercourses, marshland or moorland; parks, canals, railways or major roads.
- 5.5 The Council considers that 'natural' settlements or settlements as they are defined in the draft District Plan should not in normal circumstances be partitioned by parish boundaries.
- 5.6 Should a reorganisation of parish boundaries occur as a result of the review, the Council will aim to select boundaries that are and are likely to remain easily identifiable.

6. ELECTORAL ARRANGEMENTS

Electoral cycle

- 6.1 Any changes to parish electoral arrangements will come into effect at the next scheduled ordinary parish elections. Parish elections will take place in East Hertfordshire in May 2019 and every four years thereafter.

The number of parish councillors

- 6.2 Legislation provides that the number of parish councillors for each parish council shall not be fewer than five. There is no maximum number. Government guidance is that 'each area should be considered on its own merits, having regard to its population, geography and the pattern of communities.
- 6.3 When considering the number of councillors to be elected for a parish the Council will, as required by the 2007 Act, have regard to the number of local government electors for the parish; and any change in that number which is likely to occur in the next five years. The Council will also have regard to existing levels of representation, the broad pattern of existing council sizes which have stood the test of time and the take-up of seats at elections in its consideration of this matter.

Parish warding

- 6.4 The Council may also consider whether a parish should be, or should continue to be, divided into wards for the purposes of elections to the parish council and the number and boundaries of parish wards, taking account of population distribution and community identity and interests in the area.
- 6.5 Where a parish is warded and continues to be so, the Council will give consideration to the number of councillors to be elected from each ward and the number of electors they represent. The Council notes that the Local Government Boundary Commission for England (LGBCE) believes it is not in the interests of effective and convenient local government, either for voters or councillors, to have significant differences in levels of representation.

7. REORGANISATION OF COMMUNITY GOVERNANCE ORDERS AND COMMENCEMENT

- 7.1 The review will be completed when the Council agrees its final recommendations. At the conclusion of the review the Council will adopt a Reorganisation of Community Governance Order. Copies of this order, the map(s) that show the effects of the order in detail, and the document(s) which set out the reasons for the Council's decisions (including where it has decided to make no change following a review) will be deposited at the Council's offices and copies provided to the clerk of each town or parish council affected. The information will also be published on the Council's website.

- 7.2 In accordance with Government guidance the Council will issue maps to illustrate each recommendation at a scale not smaller than 1:10,000. These maps will be deposited with the Secretary of State for Communities and Local Government and prints will also be supplied in accordance with regulations to Ordnance Survey, the Registrar General, the Land Registry, the Valuation Office Agency, the Boundary Commission for England, the Local Government Boundary Commission for England and Hertfordshire County Council.
- 7.3 The provisions of any order will take effect for financial and administrative purposes on 1 April following the adoption of the order. Any revised electoral arrangements for a new or existing parish council will come into effect at the next ordinary parish council elections.

8. CONSEQUENTIAL MATTERS

- 8.1 A reorganisation order may cover any consequential matters that appear to the Council to be necessary or proper to give effect to the order. These may include the transfer and management or custody of property, the setting of precepts for new parishes, provision with respect to the transfer of any functions, property, rights and liabilities and/or provision for the transfer of staff, compensation for loss of office, pensions and other staffing matters.
- 8.2 In these matters, the Council will be guided by the relevant regulations issued following the 2007 Act. In particular, the Council notes that the regulations regarding the transfer of property, rights and liabilities require that any apportionments shall use the population of the area as estimated by the proper officer of the Council as an appropriate portion.
- 8.3 In the event that the review results in proposals to alter the electoral arrangements for a parish whose existing electoral arrangements were put in place within the previous five years by an order made either by the Secretary of State, the Electoral Commission or the LGBCE, the consent of the LGBCE will be required.

Principal area boundaries

- 8.4 Any changes made to parish boundaries as a result of this review will not automatically change the corresponding district ward or county division boundaries. In the event of a reorganisation order making such a change the Council may recommend the LGBCE that the district and county boundaries are realigned along the revised parish boundary and it would be for the LGBCE to decide if related alterations should be made.
- 8.5 The LGBCE would require evidence that the Council has consulted on the recommendations as part of the review. The Council will therefore seek to include any such draft recommendations for consultation at the earliest possible opportunity should they appear desirable.

8.6 Where such consequential matters affect Hertfordshire County Council, the Council will also seek the views of that council with regard to alterations to electoral division boundaries in accordance with Government guidance.

Date of publication of these terms of reference: 13 February 2018

How to contact us

Enquiries regarding the review process and/or comments on the matters set out in these terms of reference should be directed to:

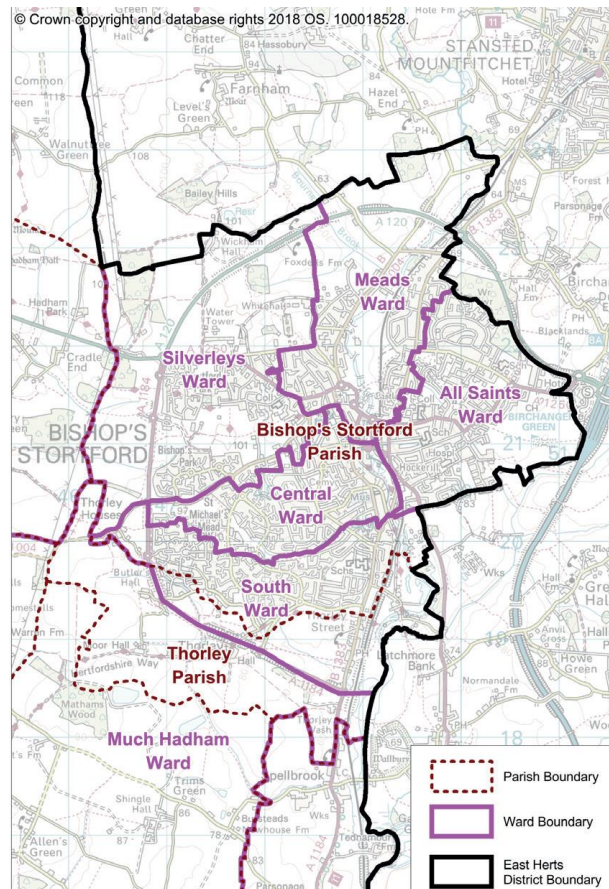
**John Williams, Electoral Services Officer,
East Hertfordshire District Council,
Wallfields,
Pegs Lane,
Hertford,
SG13 8EQ**

E-mail: electors@eastherts.gov.uk

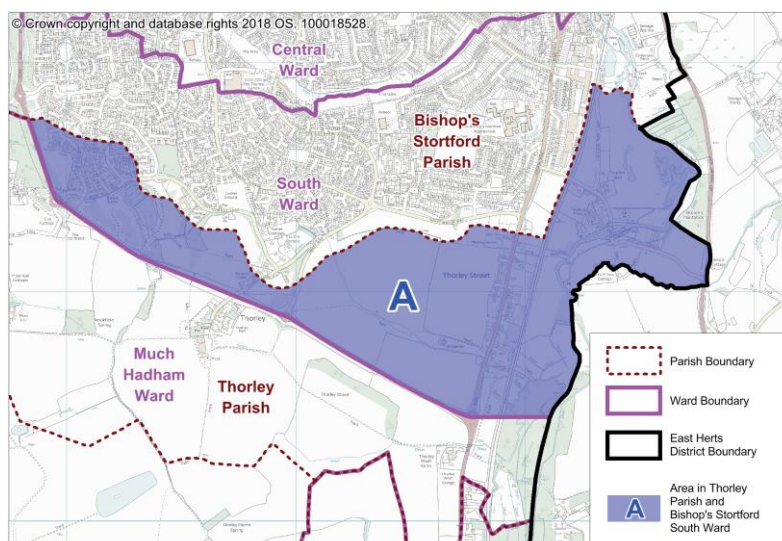
Telephone: 01279 502147

APPENDIX 'A'

The map below shows the existing town council ward boundaries within Bishop's Stortford parish.

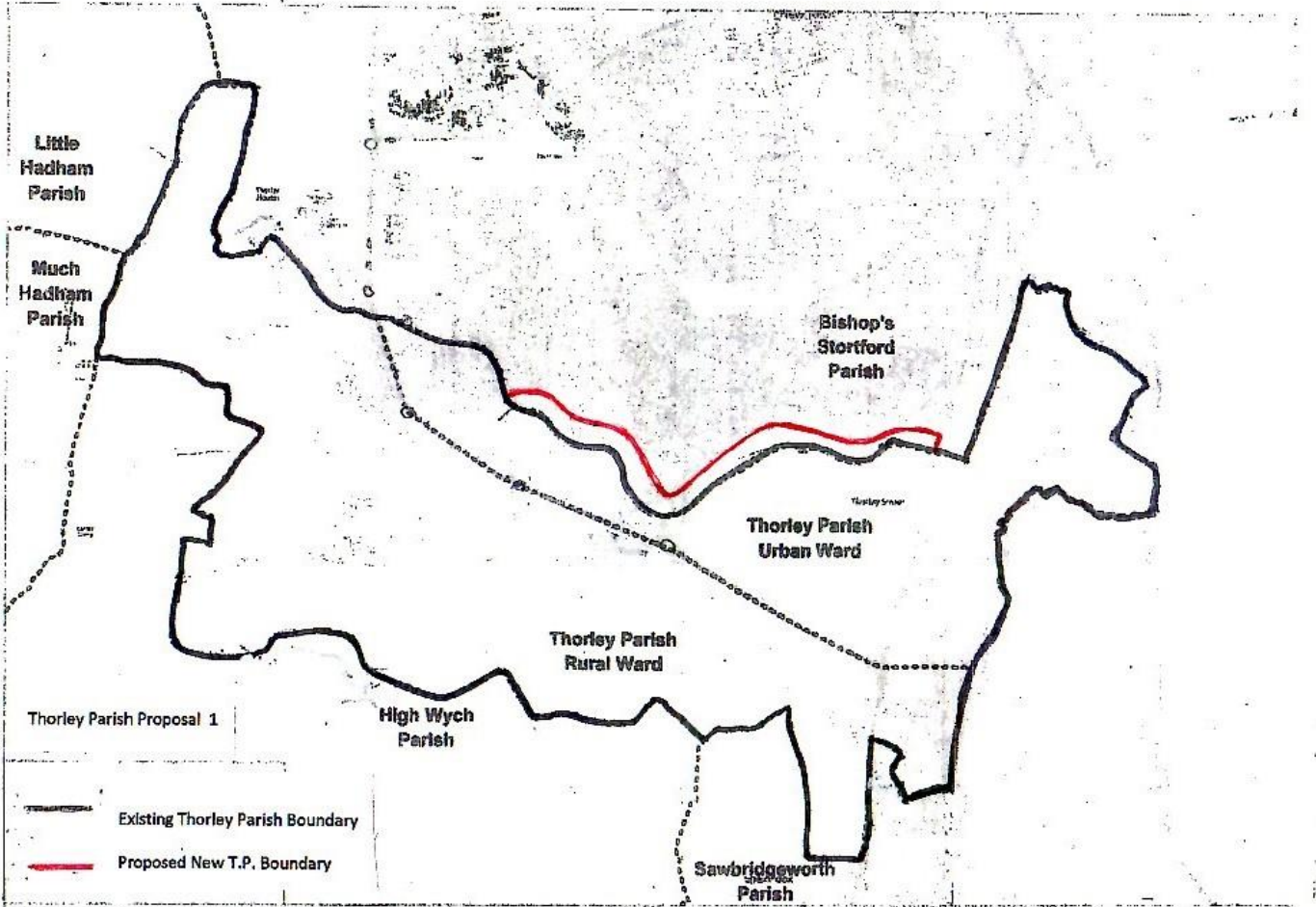


The map below shows the current southern boundary of Bishop's Stortford Town Council with Thorley parish. The area identified by the town council for consideration in the review is shaded and labelled 'A' on the map.



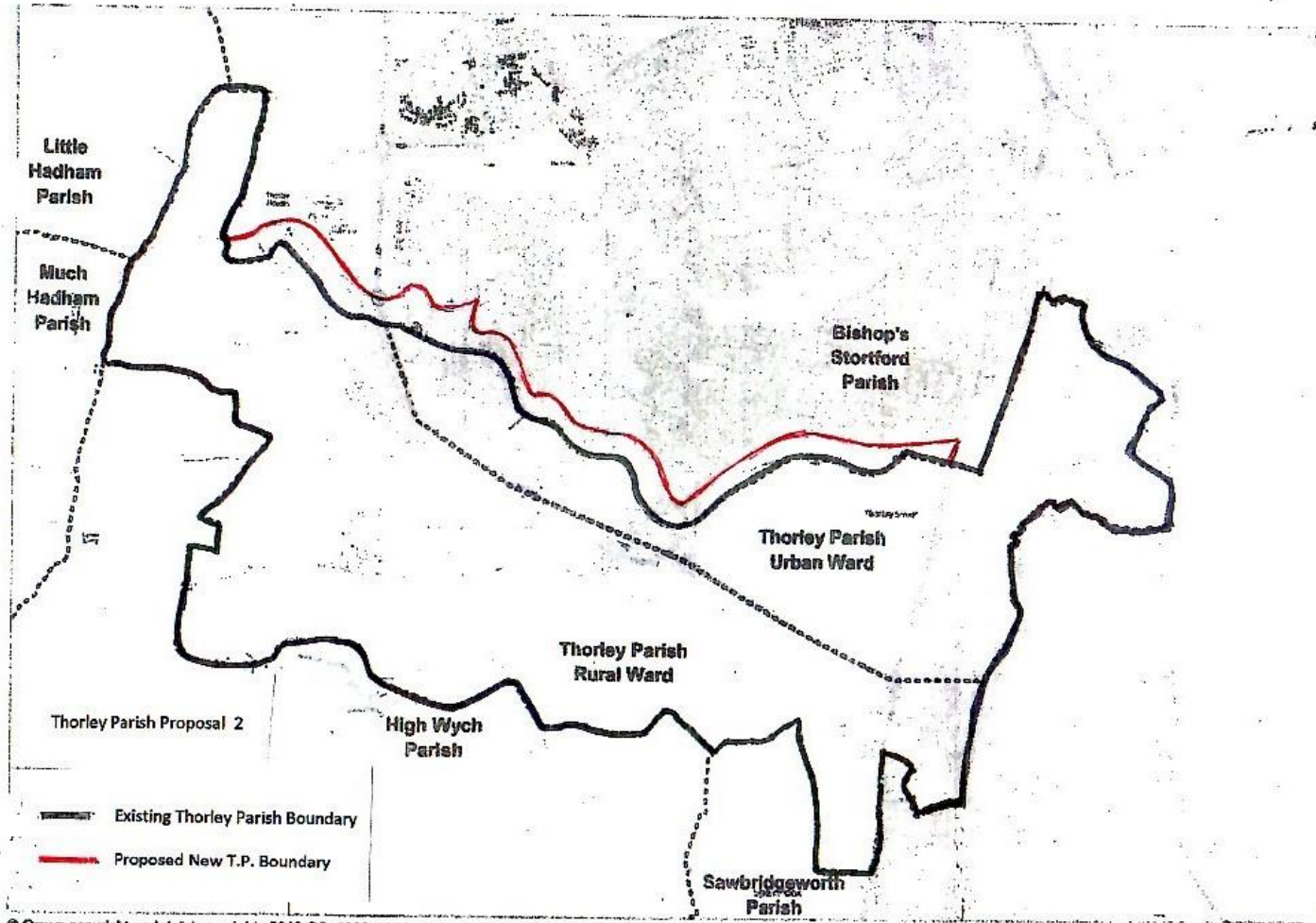
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THORLEY PARISH COUNCIL PROPOSED OPTION 1

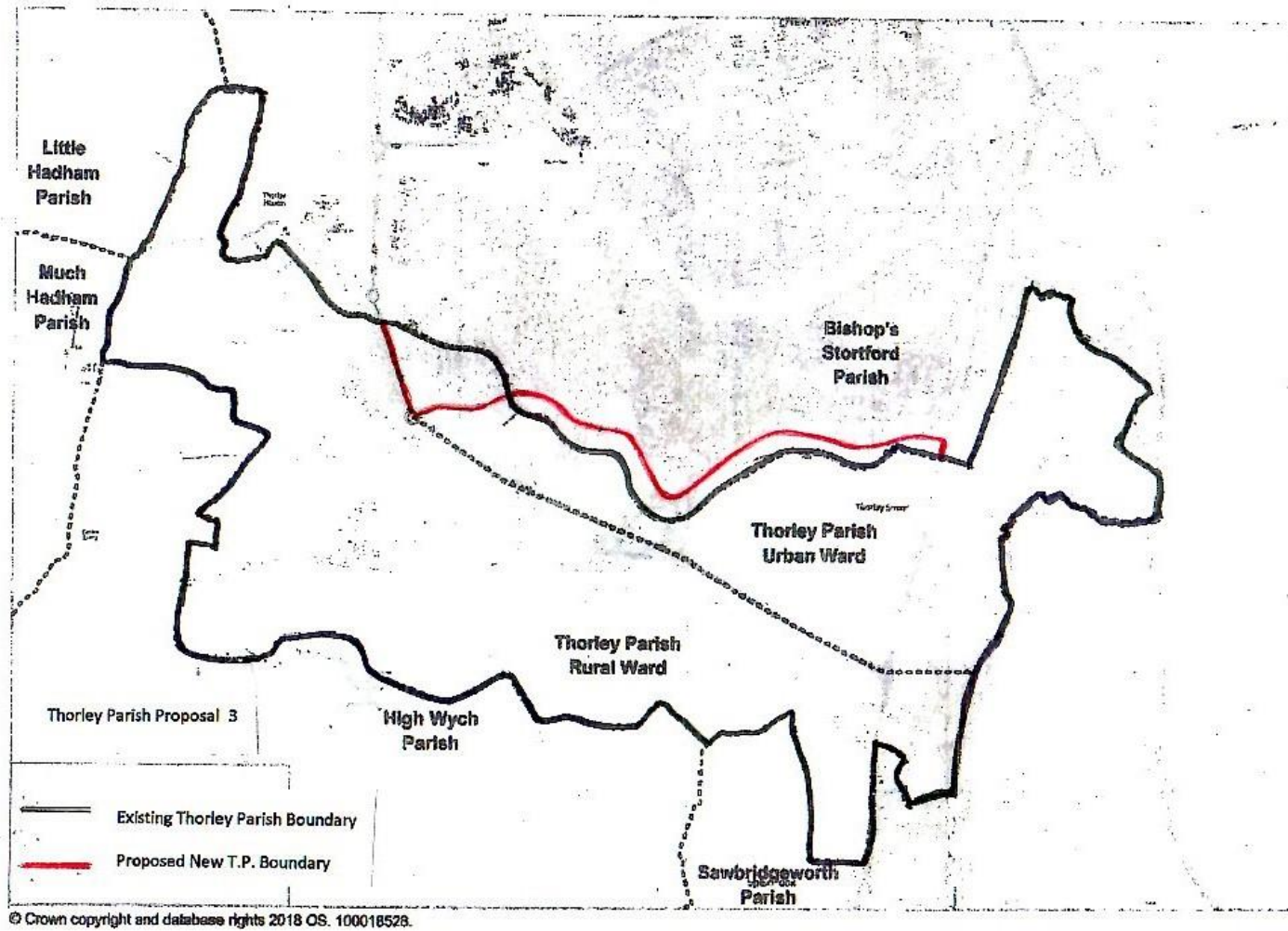


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THORLEY PARISH COUNCIL PROPOSED OPTION 2



THORLEY PARISH COUNCIL PROPOSED OPTION 3



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EAST HERTS COUNCIL

COUNCIL – 17 OCTOBER 2018

REPORT BY HEAD OF LEGAL & DEMOCRATIC SERVICES AND
MONITORING OFFICER

COMMUNITY GOVERNANCE REVIEW OF BUNTINGFORD TOWN
COUNCIL – REPORT ON SECOND STAGE CONSULTATION AND FINAL
RECOMMENDATIONS

WARD(S) AFFECTED: BUNTINGFORD, MUNDENS & COTTERED

Purpose/Summary of Report

- To report the responses received during the second stage consultation period for the Community Governance Review of Buntingford Town Council; and to agree and give effect to the final recommendations of the Community Governance Review.

RECOMMENDATIONS FOR THE COUNCIL: That:

(A)	The Council consider the responses received to the second stage consultation on the Community Governance Review of Buntingford Town Council as set out in section 5 of the report, together with the recommendations of the Executive in relation to the review at section 6 of the report;
(B)	The Council agree and give effect to the final recommendations of the Community Governance Review as follows:-

	<p>(1) That no new parishes be constituted in the area under review</p> <p>(2) That no change be made to the name of Buntingford, Cottered or Aspenden parishes and that all three parishes each continue to have a council.</p> <p>(3) That the areas of Buntingford and Cottered parishes be altered as follows:-</p> <ul style="list-style-type: none"> ○ That the area of land north of Park Farm Industrial Estate occupied by the new Redrow housing development (marked as Area A on the map at sheet number 2 of Essential Reference Paper B), but not including Parkside and its neighbouring properties, be transferred from Cottered Parish to Buntingford Parish. <p>(4) That no other changes be made at this time to the parish boundary between Buntingford and Cottered parishes.</p> <p>(5) That no changes be made at this time to the parish boundary between Buntingford and Aspenden parishes.</p> <p>(6) That no change be made to the number of councillors to be elected to Buntingford Town Council (12), Aspenden Parish Council (6) or Cottered Parish Council (6).</p> <p>(7) That Buntingford Town Council, Aspenden Parish Council and Cottered Parish Council each continue to not be divided into wards for the</p>
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	<p>purpose of electing town/parish councillors.</p> <p>(8) That the Local Government Boundary Commission for England be requested to make changes to the boundaries of the relevant District Council wards as necessary to ensure coterminosity between those boundaries and the revised Parish boundaries made in this Community Governance Review; and</p>
(C)	<p>The Council make the East Hertfordshire (Reorganisation of Community Governance) (Buntingford and Cottered) Order 2018 as attached at Essential Reference Paper B.</p>

1.0 Background – Community Governance Reviews

1.1 Chapter 3 of Part 4 of the Local Government and Public Involvement in Health Act 2007 ('the 2007 Act') empowers a principal authority such as East Herts Council to review and make changes to the governance arrangements for parishes and parish/town councils in its area.

1.2 The mechanism for making decisions on these matters is a Community Governance Review. This is a review of the whole or part of the district with a view to making recommendations on one or more of the following:

- Creating, merging or abolishing parishes;
- Boundary alterations between existing parishes;
- The naming of parishes and the style of new parishes;
- The establishment of parish councils;
- Electoral arrangements for parish councils (the year of election; number of councillors; warding), and/or
- Grouping parishes under a common parish council or

de-grouping parishes.

- 1.3 A Community Governance Review may be triggered by a statutory petition or a formal 'application' in the terms of the 2007 Act, or the Council may decide to undertake a review at any time, e.g. in response to population changes or new housing development, as part of a periodic programme of reviews or in response to a request from a town/parish council or other person(s).
- 1.4 Section 93 (3) of the 2007 Act requires that in undertaking a review the Council must consult (i) the local government electors for the area under review; and (ii) any other person or body (including a local authority) which appears to the principal council to have an interest in the review. Section 93 (6) states that the Council must take into account any representations received in connection with the review; whilst Section 100 (4) provides that the Council must have regard to guidance issued by the Secretary of State and the Local Government Boundary Commission for England (LGBCE).
- 1.5 A Community Governance Review begins when the Council publishes terms of reference for the review and ends when it agrees the final recommendations (which must be within 12 months of the review starting) and adopts a Community Governance Reorganisation Order detailing any changes in accordance with those recommendations. Any revised electoral arrangements take effect at the next ordinary parish elections, which in East Herts are scheduled for May 2019.

Consequential recommendations to the LGBCE

- 1.6 Any changes to parish or parish/town ward boundaries as a result of this review will not automatically change the corresponding district ward or county division boundaries. In the event that such changes are made the Council may make

recommendations to the LGBCE that the district ward and county division boundaries are realigned to follow the revised parish/parish ward boundaries. The LGBCE would require evidence that the Council has consulted on this as part of the review.

2.0 Issues for consideration and decision-making criteria for a Community Governance Review

2.1 Section 93 (4) of the 2007 Act requires a principal council to have regard to the need to secure that community governance within the area under review –

- (a) reflects the identities and interests of the community in that area; and
- (b) is effective and convenient.

2.2 Section 93 (5) provides that in deciding what recommendations to make, a principal council must take into account any other arrangements (apart from those relating to parishes and their institutions) –

- (a) that have already been made, or
- (b) that could be made,

for the purposes of community representation or community engagement in respect of the area under review.

2.3 The guidance issued by the Secretary of State and the LGBCE states that when considering the above criteria, principal councils should take into account a number of influential factors, including:

- (9) the impact of community governance arrangements on community cohesion; and

(10) the size, population and boundaries of a local community or parish.

2.4 The guidance further states that 'the general rule should be that the parish is based on an area which reflects community identity and interest and which is of a size which is viable as an administrative unit of local government'. In relation to boundaries, the guidance states that these 'should reflect the "no-man's land" between communities represented by areas of low population or barriers such as rivers, roads or railways.'

Electoral arrangements

2.5 Once the Council has determined whether it will make any changes to parish boundaries, it must go on to consider if any changes are required to the electoral arrangements for the parish(es) affected. Electoral arrangements are defined in the 2007 Act as:-

- (11) **Ordinary year of election** – the year in which ordinary elections of the parish/town councillors are to be held;
- (12) **Council size** - the number of councillors to be elected to the parish/town council; and
- (13) **Parish warding** - whether the parish should be, or should continue to be, divided into wards for the purpose of electing parish/town councillors, including the number and boundaries of any such wards, the number of councillors to be elected for any such ward and the name of any such ward.

Making recommendations

2.6 Sections 87 to 92 of the 2007 Act provide that at the end of a Community Governance Review the principal council must make recommendations as to:

- (a) Whether a new parish or any new parishes should be constituted;
- (b) Whether existing parishes should or should not be abolished or whether the area of existing parishes should be altered; and
- (c) What the electoral arrangements for new or existing parishes, which are to have parish councils, should be.

2.7 The principal council may also make recommendations about:

- (a) The grouping or de-grouping of parishes;
- (b) Adding parishes to an existing group of parishes; or
- (c) Making related alterations to the boundaries of a principal council's electoral area.

3.0 Community Governance Review of Buntingford Town Council, including the town boundary

3.1 The Council on 27 July 2016 agreed to undertake a Community Governance Review of Buntingford Town Council, including the town boundary. The review was agreed following a request from Buntingford Town Council, which identified the following two areas currently in neighbouring parishes that the Town Council proposed should be transferred to the Town Council's area:-

- Parkside and new housing development north of Park Farm Industrial Estate (currently in Cottered Parish); and
- Buntingford Business Park (currently in Aspenden Parish).

3.2 In support of its proposals the Town Council stated that in its view these areas are, or will be, seen by residents and/or workers as part of Buntingford town and they are some distance from the villages of Cottered and Aspenden respectively.

Terms of reference

- 3.3 The review began on 13 February 2018 with the publication of terms of reference setting out the aims, process and timetable for the review and the matters to be considered. The terms of reference included a number of policies, consistent with the criteria at section 2 above, to guide the consideration of evidence and the formulation of recommendations during the review. A copy of the terms of reference is attached at **Essential Reference Paper C**.

Initial consultation and draft recommendations

- 3.4 The initial public consultation period ran from 13 February to 6 April 2018, during which local electors and all interested parties were invited to make initial submissions on the Town Council's proposals and any other matters that they felt should be considered.
- 3.5 In total 42 responses were received to the consultation – 33 from individual residents, eight from statutory bodies or local organisations and one other. In relation to the parish boundary between Buntingford and Cottered, eleven respondents agreed with the Town Council's proposed change, whilst 31 respondents opposed it. In relation to the parish boundary between Buntingford and Aspenden, fifteen respondents agreed with the Town Council's proposed change whilst twenty respondents opposed the change.
- 3.6 Council on 16 May 2018 discussed the Community Governance Review. In considering whether or not the proposals from the Town Council should be recommended either in full or in amended form, the Council took into account the responses received to the consultation, the LGBCE's guidance on community governance reviews, geographical data, electorate

projections and the recommendations of the Executive which in turn were informed by the comments of the Overview & Scrutiny Committee.

- 3.7 Following consideration in turn of each element of the Town Council's proposal, the Council recommended that one of the areas identified by the Town Council, but not the other, should be transferred to the Town Council's area. The Council's decisions formed the basis of the draft recommendations of the Community Governance Review, which were then subject to a further round of public consultation as follows:-

(a) Residential development north of Park Farm Industrial Estate

The Council recommended that the area between the A10 bypass and Ermine Street to the north of Park Farm Industrial Estate, including Parkside and the new Redrow housing development marketed as The Maples, which is currently in Cottered Parish, should be incorporated within the Buntingford Town Council area.

(b) Buntingford Business Park

The Council did not feel that compelling evidence had been submitted to support the proposal to incorporate this area into Buntingford and therefore recommended that no change should be made to the parish boundary between Buntingford and Aspenden.

(c) District ward boundaries

In order to maintain coterminosity the Council recommended that the LGBCE should be asked to change the relevant District Ward boundaries to align them with the revised parish boundaries.

4.0 Second stage consultation

4.1 The Council's draft recommendations were published for a further round of public consultation from 31 May 2018 until 27 July 2018.

4.2 As for the first round of public consultation, a range of methods and channels were used to publicise the draft recommendations and invite electors and others to respond including:

- Notification to the relevant parish/town councils and to the County Council
- Notification to elected representatives for the areas under review and local political parties
- Letters/e-mails to community groups and business organisations based in the areas under review
- Consultation leaflets distributed via the Council offices at Wallfields and Charringtons, Buntingford Library, community centres/halls and other local venues
- Consultation leaflets also delivered to all properties directly affected by the draft recommendations
- A dedicated page for the review on the 'consultations' section of the EHDC website consultation with an online form for responses and periodic links from the home page
- Press releases, social media and 'network' posts.

4.3 Responses were accepted by post, e-mail or via the online form.

5.0 Responses to the second stage consultation

5.1 In total 18 responses were received to the second stage consultation as follows:-

- 2 organisations: - Buntingford Town Council
- Cottered & Throcking Parish Council
- 16 individual responses

5.2 Below is a brief summary of the points made in their responses by each of the organisations listed above. The responses received from both individuals and organisations are included in full in the schedule prepared for the meeting of the Executive on 11 September 2018 and available as a background paper to this report:-

- **Buntingford Town Council** – supports the proposed change, which it feels will ‘enhance the well-being of residents, the positive contribution to the provision of services, the promotion of the feeling of local community and the creation of a viable administrative unit’. The Town Council feels that electors who reside or will reside in the development to the north of Buntingford and Parkside identify with the parish of Buntingford, the centre of which is a short walk from the properties, rather than with Cottered, the settlement of which is 2.7 miles away. It further states that if the parish boundary is revised, residents of the areas under review will contribute to the precept that promotes the well-being of their area and provides services required; and that the development north of Buntingford has been included within the settlement boundary of Buntingford in the adopted Buntingford Community Area Neighbourhood Plan and the emerging East Herts District Plan.
- **Cottered & Throcking Parish Council** - strongly opposes the proposed change and believes that the Council’s draft recommendation regarding the parish boundary between Buntingford and Cottered is ‘ill-considered, unjustified, inappropriate, and simply wrong’. The Parish Council also

strongly believes that the process by which EHDC has arrived at the draft recommendation is 'opaque and defective'.

The Parish Council states that it has 'found absolutely no indication that the views expressed and submissions made by [itself] and by other local organisations and individual residents have been assessed against the criteria set out in published guidance or weighed against opposing views and submissions

The Parish Council also questions the adequacy of the consultation process and states that parish councillors have recently visited residents in Parkside and the new development. They state that several were unaware of the review and none supported the draft recommendation.

The Parish Council states that 'such is the strength of public feeling in our communities that we may feel duty-bound to use all available mechanisms to challenge the process and the recommendation'.

- 5.3 An analysis of the individual responses received in respect of each element of the Council's draft recommendations is set out below:-

(a) Residential development north of Park Farm Industrial Estate

Of the individual responses to the second stage consultation, three supported the proposal to transfer the area including The Maples (Redrow development) and Parkside from Cottered to Buntingford and thirteen opposed it. Eleven responses came from within the area directly affected, of which ten opposed the change. Two residents of Parkside made a distinction between the areas proposed for transfer, feeling that Parkside should

remain in Cottered even if the area of the new housing development was to transfer to Buntingford.

Respondents who supported the change stated that the new development sits at the top of Buntingford High Street and will be affected by Town Council decisions; that residents will use the town's facilities and should contribute to their cost; and that the bypass represents a logical boundary.

Respondents who opposed the change advanced a number of arguments including:

- The status quo works well and the change is unnecessary
- There is no benefit to residents in changing.
- The change is not supported by residents in the affected area, their previous objections have been ignored.
- Residents wish to remain part of Cottered, they use village facilities and events and benefit from lower council tax and discount on booking village hall.
- Changing the boundary will deprive Cottered Parish Council of funds required for e.g. traffic calming.
- Development within Cottered would enhance and invigorate the parish community.
- Buntingford Town Council has not previously communicated with affected residents and is only showing interest now due to the potential financial benefits from new development.
- Residents have not been consulted adequately/have not received written material.
- EHDC is bullying parishes due to Town Council representation on the District Council.
- Buntingford is already too built up and new residents do not appreciate the semi-rural community
- Parkside is separate from the new Redrow development and is a mile outside Buntingford.

(b) Buntingford Business Park

There were six responses in favour of the recommendation that the area occupied by Buntingford Business Park should remain within Aspenden Parish, and three against. Four respondents stated 'don't know'.

(c) Consequential changes to District Ward boundaries

There were three responses in favour of the proposal that the LGBCE be requested to bring the District ward boundaries into line with any revised parish boundaries, and eight against. Two respondents stated 'don't know'.

Text in the 'comments' box suggests that some of those who opposed this proposal did so because they are opposed to the proposed parish boundary changes rather than the principal of coterminous boundaries.

6.0 Recommendations of the Executive

- 6.1 The Executive on 11 September 2018 considered the responses to the second stage consultation and made recommendations to the Council for its consideration when discussing the final outcome of the review.
- 6.2 The Executive noted the responses as detailed in the report submitted. The Executive Member for Finance and Support Services commented on the consultation responses and suggested that amended proposals be forwarded to Council for consideration. In particular, he suggested that in relation to Parkside and its neighbouring properties, these should remain in Cottered parish.
- 6.3 Councillors S Bull and J Jones, as the local ward Members, both expressed support for the revised proposals.

6.4 Councillor G Williamson moved, and Councillor G McAndrew seconded, a motion that the recommendations now detailed be supported. After being put to the meeting and a vote taken, the motion was declared CARRIED and the Executive made the following recommendations to the Council:-

That (A) the responses received to the second stage consultation on the Community Governance Review of Buntingford Town Council, as set out in the report submitted, be noted; and

(B) the draft recommendations for the Community Governance Review of Buntingford Town Council be confirmed, subject to the following amendment:

- That in relation to the land between the A10 and Ermine Street north of Park Farm Industrial Estate, only the area of the Redrow housing development be transferred into Buntingford and that the parish boundary then follow the northern edge of the Redrow development site so that Parkside and the neighbouring properties remain within Cottered Parish.

7.0 Considerations and final recommendations

7.1 The following paragraphs consider in turn the matters on which the Council must or may make recommendations as set out in section 2 of the report. In each case the criteria set out in the 2007 Act and the statutory guidance, together with the policies set out in the terms of reference for the review, are applied in the context of the evidence submitted, the responses to the consultation and the recommendations of the Executive; and the final recommendations of the Community Governance Review are proposed.

Whether a new parish or any new parishes should be constituted

- 7.2 Section 87 of the 2007 Act requires that a principal council undertaking a Community Governance Review must make recommendations on whether a new parish or any new parishes should be constituted. In relation to Buntingford, Cottered and Aspenden, the entire area under review is already parished.

Recommendation 1 – That no new parishes be constituted in the area under review
--

Whether existing parishes should or should not be abolished or whether the area of existing parishes should be altered

- 7.3 Section 88 of the 2007 Act requires that a Community Governance Review must make one of the following recommendations in relation to each of the existing parishes under review:
- (a) That the parish should not be abolished and that its area should not be altered;
 - (b) That the area of the parish should be altered; or
 - (c) That the parish should be abolished.
- 7.4 No substantive evidence has been submitted to support any proposition that any of the parishes under review should be abolished and the statutory guidance states that ‘the Government expects to see a trend in the creation, rather than the abolition, of parishes’ and that ‘the abolition of parishes should not be undertaken unless clearly justified’.
- 7.5 The review must also make recommendations as to whether or not the name of the parish should be changed; and if (as is the

case for Buntingford, Cottered and Aspenden) the parish has a council, recommendations as to whether or not the parish should continue to have a council.

- 7.6 No evidence has been submitted to the review regarding any proposed change of name for any of the parishes, nor to support a proposition that any of Buntingford, Cottered or Aspenden parishes should not continue to have a council.
- 7.7 Regarding the potential alteration of the parish areas, the draft recommendations included a number of proposals which are addressed in turn below.

(a) Residential development north of Park Farm Industrial Estate

- 7.8 In arriving at its draft recommendation that the area identified by the Town Council should be transferred from Cottered to Buntingford, the Council in May 2018 noted that the area is closer to the built up area of Buntingford town than it is to Cottered village, which is approximately two miles distant and separated by largely undeveloped land.
- 7.9 As stated above, a majority of those responding to the second stage consultation did not support the proposal that Parkside and the new housing development should transfer from Cottered to Buntingford. However the numbers responding were relatively low when compared both with the first round of consultation and the total number of properties in the area affected.
- 7.10 It is the case that the character of the Redrow 'Maples' development is that of an urban extension which has much in common with housing developments in other parts of Buntingford. It is within walking distance of Buntingford Town

Centre, with which the development will form a more or less continuous built-up area.

- 7.11 On the other hand, Parkside and its neighbouring properties are further away from the town centre and are separated from the Redrow development by a small area of undeveloped land. Across the two stages of consultation a majority of Parkside residents have stated that they do not wish to become part of Buntingford.
- 7.12 The Executive on 11 September 2018 therefore recommended that the Council should confirm its proposal that the new housing development should become part of Buntingford, but in relation to Parkside and its neighbouring properties should amend its proposal so that this area remains within Cottered. The new boundary thus created – running north along the A10 to the northern boundary of the Redrow site and then eastwards to the existing boundary, will meet the criteria for parish boundaries set out in the Government guidance.

(b) Buntingford Business Park

- 7.13 Buntingford Business Park is not a residential area and it lies to the west of the A10 bypass which is the existing boundary in this area and meets statutory guidance. The Council in May 2018 recommended that no change be made to the boundary between Buntingford and Aspenden.
- 7.14 A small majority of respondents to the second stage consultation agreed with the Council's recommendation that Buntingford Business Park should remain in Aspenden Parish. Again, overall numbers were low, but no substantial evidence was submitted to give rise to any reconsideration of this proposal and the Executive on 11 September 2018 recommended that it should be confirmed.

- 7.15 The recommendations below build on the above findings and give effect to the criteria and policies in the terms of reference for the review in relation to community identities and interests, effective and convenient local government and the size, population and boundaries of the respective parishes.
- 7.16 In relation to community cohesion, this is related to community identities and interests and no evidence has been submitted to suggest that any of the recommendations will damage community cohesion.
- 7.17 As stated above, the 2007 Act requires a principal council in undertaking a Community Governance Review to give consideration to other (non-parish) forms of community governance that have been made, or could be made, for the purpose of community representation or engagement in the area under review. The guidance states that these should be considered as alternatives to, or stages towards, the establishment of parish councils. However, the guidance also states that 'what sets parish councils apart from other kinds of governance is the fact they are a democratically elected tier of local government, independent of other council tiers and budgets, and possess specific powers' and that 'their directly elected parish councillors represent local communities in a way that other bodies, however worthy, cannot since such organisations do not have representatives directly elected to those bodies'. No evidence has been submitted to the review that the town or parish councils under review should be replaced by any other arrangements.

Recommendation 2 - That no change be made to the name of Buntingford, Cottered or Aspenden parishes and that all three parishes each continue to have a council.

Recommendation 3 - That the areas of Buntingford and Cottered parishes be altered as follows:-

- **That the area of land north of Park Farm Industrial Estate occupied by the new Redrow housing development (marked as Area A on the map at sheet number 2 of Essential Reference Paper B), but not including Parkside and its neighbouring properties, be transferred from Cottered Parish to Buntingford Parish.**

Recommendation 4 - That no other changes be made at this time to the parish boundary between Buntingford and Cottered parishes.

Recommendation 5 - That no changes be made at this time to the parish boundary between Buntingford and Aspenden parishes.

What the electoral arrangements for new or existing parishes, which are to have parish councils, should be.

Council size

7.18 The Local Government Act 1972, as amended, specifies that each parish council must have at least five councillors. There is no maximum number, no requirement in legislation that the number of councillors should be proportional to electorate size and no legislative guidance on the ideal number of parish councillors.

7.19 The LGBCE's guidance is that "each area should be considered on its own merits, having regard to its population, geography and the pattern of communities. Nevertheless, having regard to the current powers of parish councils, [the principal council] should consider the broad pattern of existing council sizes. This pattern appears to have stood the test of time and, in the absence of evidence to the contrary, to have provided for

effective and convenient local government. Principal councils should also bear in mind that the conduct of parish council business does not usually require a large body of councillors. [...]”

7.20 The statutory guidance goes on to state: “In addition, historically many parish councils, particularly smaller ones, have found difficulty in attracting sufficient candidates to stand for election. This has led to uncontested elections and/or a need to co-opt members in order to fill vacancies. However, a parish council’s budget and planned or actual level of service provision may also be important factors in reaching conclusions on council size.”

7.21 Although there is no statutory guidance on the number of parish councillors to be allocated, the National Association of Local Councils (NALC) has published recommendations on the matter. NALC Circular 1126 (1988) recommends that a council of no more than the legal minimum of five members is inconveniently small and that the practical minimum should be seven, to apply to any parish council with up to 900 electors. Further recommendations were made for parishes with larger electorates, up to a maximum of 25 councillors where the electorate exceeds 23,000.

7.22 The Aston Business School also published research in 1992 which showed actual levels of representation at that time as follows:-

Electors	Councillors	Electors	Councillors
Up to 500	5-8	10,001 – 20,000	13-27
501 – 2,500	6-12	Over 20,000	13-31
2,501 – 10,000	9-16		

7.23 When recommending the number of councillors to be elected for each parish, the Council must take into account ‘the number

of local government electors for the parish and any change in the number, or distribution, of the local government electors which is likely to occur in the period of five years beginning with the day when the review starts’.

7.24 For the purposes of the Community Governance Review, East Herts District Council has therefore calculated current and estimated forecast electorates and elector-to-councillor ratios for the areas under review, based on (i) no change and (ii) the changes now recommended in this report (forecasts updated September 2018).

7.25 Whilst every care has been taken to ensure that the figures below are as accurate as possible, it will be noted that any forecast electorate figure can only be an estimate based on the best information available. In particular, planned or consented development may not take place as scheduled, or at all. A technical note on the methodology employed in calculating the electorate forecasts is available on request.

7.26 The following tables show the current and forecast electorates and elector-to-councillor ratios for each of the parish/town councils, for each of the two scenarios outlined:-

Table A – Current and forecast electorate figures/ratios with no change to boundaries

Parish	No. of Cllrs	Current electorate Feb 2018	Ratio (electors/ Councillor) Feb 2018	Forecast electorate Feb 2023	Forecast ratio Feb 2023
Aspenden	6	196	33	197	33
Buntingford	12	4,579	382	5,982	498
Cottered	6	557	93	861	143

Table B – Current and forecast electorate figures/ratios taking into account boundary change now recommended

Parish	No. of Cllrs	Current electorate Feb 2018	Ratio (electors/ Councilor) Feb 2018	Forecast electorate Feb 2023	Forecast ratio Feb 2023
Aspenden	6	196	33	197	33
Buntingford	12	4,605	384	6,286	524
Cottered	6	531	88	557	93

7.27 Taking into account the above information, it is not proposed that the changes now recommended give rise to the need for any amendment to the size of any of the town or parish councils under review.

Parish warding

7.28 The Council is required to consider whether a parish should be, or should continue to be, divided into wards for the purposes of elections to the parish/town council and the number and boundaries of parish wards, taking account of population distribution and community identity and interests in the area.

7.29 Regarding whether a parish should be divided into wards, the 2007 Act requires the Council to consider:

- a) Whether the number, or distribution of the local government electors for the parish would make a single election of councillors impracticable or inconvenient; and
- b) Whether it is desirable that any area or areas of the parish should be separately represented.

7.30 Buntingford Town Council, Aspenden Parish Council and Cottered Parish Council are all currently unwarded. No substantive evidence has been submitted to suggest that this is impracticable or inconvenient, or that any areas of any of the parishes should be separately represented. It is not proposed that the boundary change now recommended will give rise to

the need for any change to be made to the electoral arrangements at this stage. One respondent to the first round of consultation did suggest that as further development takes place, a wider review of the electoral arrangements in Buntingford may be required in future, possibly including warding of the Town Council.

Recommendation 6 - That no change be made to the number of councillors to be elected to Buntingford Town Council (12), Aspenden Parish Council (6) or Cottered Parish Council (6).

Recommendation 7 - That Buntingford Town Council, Aspenden Parish Council and Cottered Parish Council each continue to not be divided into wards for the purpose of electing town/parish councillors.

Making related alterations to the boundaries of a principal council's electoral area.

- 7.31 Any changes to parish boundaries made as part of this Community Governance Review will not automatically change the equivalent boundaries for District or County Council elections. The Council in May 2018 recommended that the LGBCE should be asked to change the relevant District Ward boundaries to align them with any revised parish boundaries following the review.
- 7.32 This proposal was consulted on as part of the review. A majority of respondents to the second stage consultation did not agree with the proposal although text in the 'comments' box suggested that some of those who opposed it did so because they were opposed to the proposed parish boundary change rather than to the principal of coterminous boundaries.

7.33 In the interests of clarity and elector convenience, the Executive on 11 September 2018 proposed that the draft recommendation to the LGBCE should be confirmed.

Recommendation 8 – That the Local Government Boundary Commission for England be requested to make changes to the boundaries of the relevant District Council wards as necessary to ensure coterminosity between those boundaries and the revised Parish boundaries made in this Community Governance Review.

8.0 Conclusions

8.1 The second stage consultation period for the Community Governance Review of Buntingford Town Council closed on Friday 27 July 2018. This report sets out the issues for consideration in the review; the results of that consultation; and the proposed final recommendations of the review. The Council is invited to agree and give effect to the final recommendations of the Community Governance Review and to make the Reorganisation of Community Governance Order at **Essential Reference Paper B**, in order to allow for the implementation of the agreed changes in the revised register of electors on 1 December 2018 and in the council tax base data ahead of the new financial year.

9.0 Implications/Consultations

9.1 Information on any corporate issues and consultation associated with this report can be found in **Essential Reference Paper 'A'**.

Background Papers

- (i) Full schedule of responses received to the second stage consultation on the Community Governance Review.
<http://democracy.eastherts.gov.uk/mgIssueHistoryHome.aspx?IId=23235&J=3>

Contact Officer: Alison Stuart: Head of Legal and Democratic Services and Monitoring Officer
Contact Tel No – Extn: 2170
alison.stuart@eastherts.gov.uk

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives	Priority 1 – Improve the health and wellbeing of our communities
Consultation:	Chief Executive/Returning Officer/Electoral Registration Officer Head of Legal and Democratic Services
Legal:	The processes associated with undertaking a Community Governance Review are prescribed by statute and associated statutory guidance. The relevant legal provisions and implications are set out in the body of the report.
Financial:	Any costs arising from undertaking and/or implementing the recommendations of the Community Governance Review will be met from existing staff/budgetary resources within Legal and Democratic Services or other relevant service area.
Human Resource:	There are no ongoing staffing implications of the report. Any staff requirements of undertaking and/or implementing the recommendations of the Community Governance Review will be met from existing resources within Legal and Democratic Services or other relevant service area.
Risk Management:	No significant implications.
Health and wellbeing – issues and impacts:	Effective and convenient community governance arrangements can contribute to the promotion of improved health and wellbeing for communities.
Equality Impact Assessment required:	No.

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LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

The East Hertfordshire (Reorganisation of Community Governance) (Buntingford and Cottered) Order 2018

Made 17 October 2018

Coming into force in accordance with article 1

East Hertfordshire District Council (“the council”), in accordance with section 82 of the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”), has undertaken a community governance review and made recommendations dated October 2018:

The council has decided to give effect to those recommendations and, in accordance with section 93 of the 2007 Act, has consulted with the local government electors and other interested persons and has had regard to the need to secure that community governance reflects the identities and interests of the community and is effective and convenient:

The council, in accordance with section 100 of the 2007 Act, has had regard to guidance issued under that section:

The council makes the following Order in exercise of the powers conferred by sections 86, 98(3) and 240(10) of the 2007 Act.

Citation and commencement

1.—(1) This Order may be cited as the East Hertfordshire (Reorganisation of Community Governance) (Buntingford and Cottered) Order 2018.

(2) Subject to paragraphs (3) and (4) below, this Order comes into force on 1st April 2019.

(3) Articles 5 and 6 shall come into force on the ordinary day of election of councillors in 2019.

(4) For the purposes of:

(a) this article; and

(b) proceedings preliminary or relating to the elections of parish councillors for the parish of Buntingford and the parish of Cottered, to be held on the ordinary day of election of councillors in 2019,

this Order shall come into force on the day after that on which it is made.

Interpretation

2. In this Order—

“county” means the county of Hertfordshire;

“district” means the district of East Hertfordshire;

“existing” means existing on the date this Order is made;

“map” means the map marked “Map referred to in the East Hertfordshire (Reorganisation of Community Governance) (Buntingford and Cottered) Order 2018” and deposited in accordance with section 96(4) of the 2007 Act: and any reference to a numbered sheet is a reference to the sheet of the map which bears that number;

“ordinary day of election of councillors” has the meaning given by section 37 of the Representation of the People Act 1983; and

“registration officer” means an officer appointed for the purpose of, and in accordance with, section 8 of the Representation of the People Act 1983.

Effect of Order

3. This Order has effect subject to any agreement under section 99 (agreements about incidental matters) of the Local Government and Public Involvement in Health Act 2007 relevant to any provision of this Order.

Parish elections

4. Elections of all parish councillors for the parishes of Buntingford and Cottered shall be held on the ordinary day of election of councillors in 2019.²

Number of parish councillors for the parish of Buntingford

5. The number³ of councillors to be elected for the parish of Buntingford shall be 12.

Number of parish councillors for the parish of Cottered

6. The number⁴ of councillors to be elected for the parish of Cottered shall be 6.

Alteration of parish areas

7. The area coloured and designated by the letter “A” on sheet 2 of the map shall cease to be part of the parish of Cottered and shall become part of the parish of Buntingford.

Electoral register

8. The registration officer for the district shall make such rearrangement of, or adaptation of, the register of local government electors as may be necessary for the purposes of, and in consequence of, this Order.

² This article provides for parish elections in the parishes of Bishop’s Stortford and Thorley in 2019. Section 16(3) of the Local Government Act 1972 (c.70) provides for parish elections to take place every four years.

³ Section 16(1) of the Local Government Act 1972 (c.70), as amended by section 101 of, and paragraph 6(2) of Schedule 5 to, the Local Government and Public Involvement in Health Act 2007 (c.28), provides for the minimum number of parish councillors on a parish council to be five. There is no minimum number of parish councillors for a parish.

⁴ Section 16(1) of the Local Government Act 1972 (c.70), as amended by section 101 of, and paragraph 6(2) of Schedule 5 to, the Local Government and Public Involvement in Health Act 2007 (c.28), provides for the minimum number of parish councillors on a parish council to be five. There is no minimum number of parish councillors for a parish.

Order date

9. 1st April 2019 is the order date for the purposes of the Local Government (Parishes and Parish Councils) (England) Regulations 2008⁵.

Sealed with the seal of the council on the [*day e.g. 31st*] day of [*month*] [*year*]

[*Signature*]

[*day e.g. 31st*] [*month*] [*year*]

[*Title of signatory*]

⁵ S.I. 2008/625.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order gives effect to recommendations made by East Hertfordshire District Council for the alteration of the area of the parish of Buntingford and the area of the parish of Cottered within the district of East Hertfordshire.

The parishes of Buntingford and Cottered will be altered with effect from 1 April 2019. The electoral arrangements apply in respect of parish elections to be held on and after the ordinary day of election of councillors in 2019.

Article 4 provides for parish elections in the parishes of Buntingford and Cottered in 2019, and then to continue according to the established system of parish elections every four years.

Articles 5 and 6 specify the numbers of parish councillors to be elected for the parishes of Buntingford and Cottered respectively.

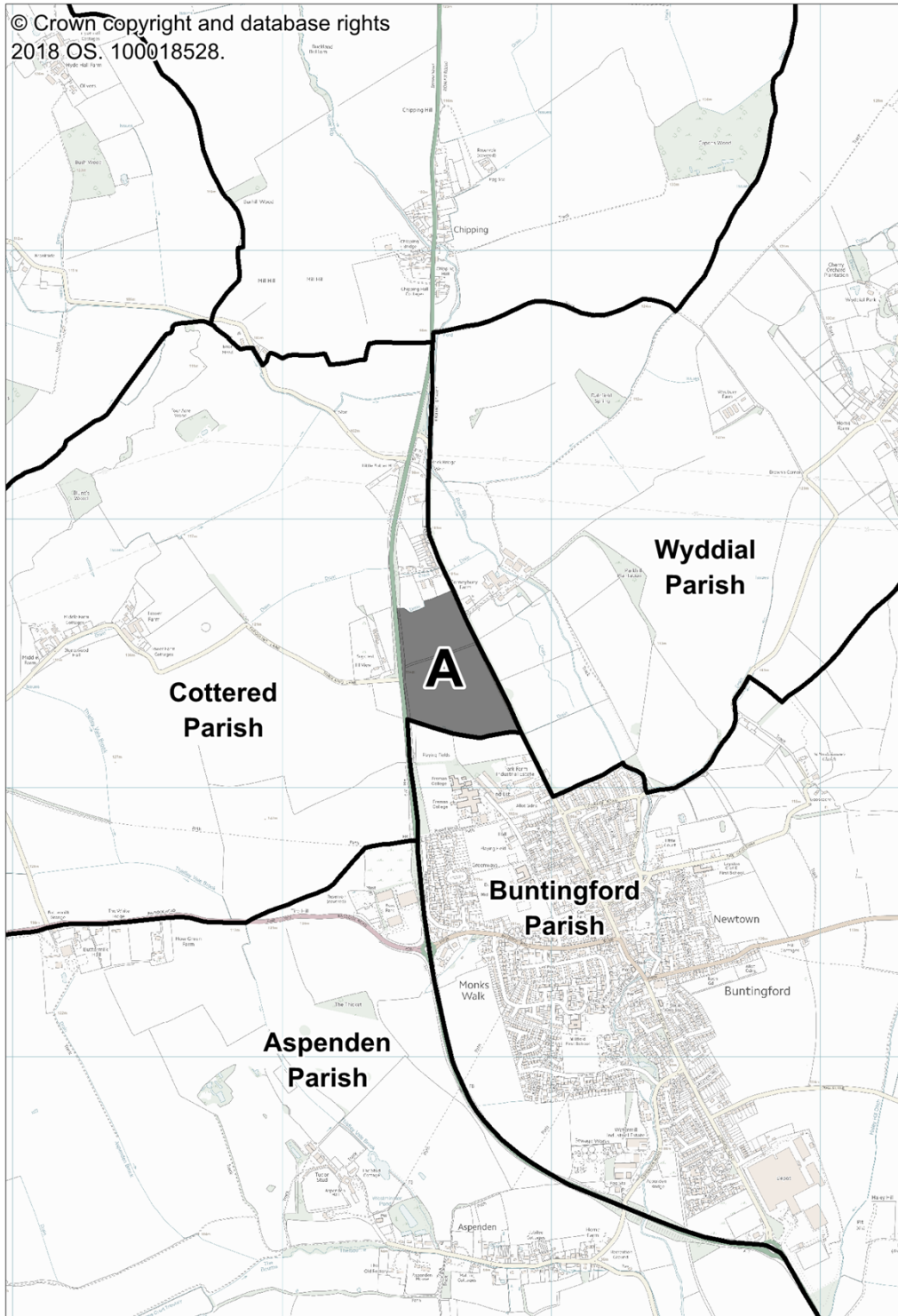
Article 7 and the map establish the revised areas of the parishes of Buntingford and Cottered.

Article 8 obliges the Electoral Registration Officer to make any necessary amendments to the electoral register to reflect the new electoral arrangements.

The map defined in article 2 shows the alteration to the areas of the parish of Buntingford and the parish of Cottered. It is available, at all reasonable times, at the offices of East Hertfordshire District Council.

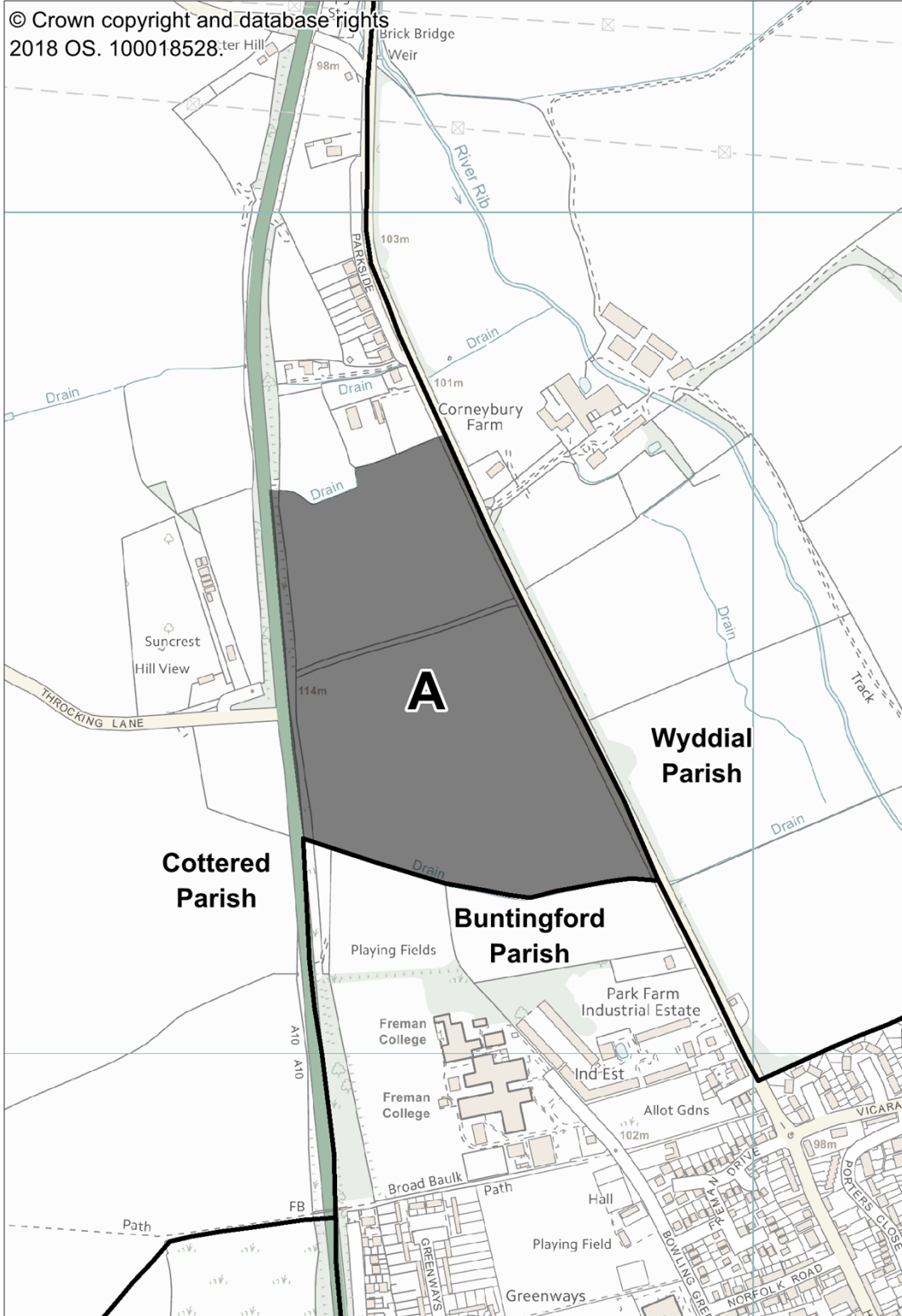
MAP REFERRED TO IN THE EAST HERTFORDSHIRE (REORGANISATION OF COMMUNITY GOVERNANCE) (BUNTINGFORD AND COTTERED) ORDER 2018

SHEET NUMBER 1 – GENERAL OUTLINE



MAP REFERRED TO IN THE EAST HERTFORDSHIRE (REORGANISATION OF COMMUNITY GOVERNANCE) (BUNTINGFORD AND COTTERED) ORDER 2018

SHEET NUMBER 2 – ALTERATION OF PARISH AREAS



EAST HERTFORDSHIRE DISTRICT COUNCIL**COMMUNITY GOVERNANCE REVIEW OF BUNTINGFORD TOWN COUNCIL****TERMS OF REFERENCE****1. INTRODUCTION**

- 1.1 East Hertfordshire District Council ('the Council') has resolved to undertake a Community Governance Review ('the review') of Buntingford Town Council (including its town boundary).
- 1.2 The review will have regard to existing and planned developments adjacent to the area served by Buntingford Town Council and will consider whether to recommend any alteration to the existing parish boundaries and any consequent changes to the electoral arrangements for any parish.
- 1.3 In undertaking this review the Council has considered the Guidance on Community Governance Reviews issued in March 2010 by the Secretary of State for Communities and Local Government and will be guided by Part 4 of the Local Government and Public Involvement in Health Act 2007 ('the 2007 Act'), the relevant parts of the Local Government Act 1972 and associated regulations.
- 1.4 These terms of reference set out the aims of the review, the matters on which it will focus and policies that the Council considers relevant to the review. The terms of reference will be published on the Council's website and in hard copy and will be made available at the District Council offices and at other venues within the area under review.

Reasons for the review

- 1.5 The Council is undertaking the review at this time in response to a request from Buntingford Town Council. The Town Council identified three areas of current or planned development that are outside the existing town boundary but which the Town Council considers are, or will be, seen as part of Buntingford. The Town Council suggested that the parish boundaries should be revised accordingly. The three areas are:-
 - Development taking place north of the Buntingford parish boundary within Cottered parish;
 - Parkside – an existing development to the north of the site above, also currently falling within the Cottered parish; and
 - The existing Buntingford Business Park, Baldock Road, currently within Aspenden parish.

Community Governance Reviews

- 1.6 A Community Governance Review is a review of the whole or part of the district to consider one or more of the following:
- Creating, merging, altering or abolishing parishes;
 - The naming of parishes and the style of new parishes;
 - The electoral arrangements for parishes (the ordinary year of election; council size; the number of councillors to be elected to the council, and parish warding), and/or
 - Grouping parishes under a common parish council or de-grouping parishes.

The aims of the review

- 1.7 In accordance with the 2007 Act the Council will have regard to the need to secure community governance within the area under review which:-
- Is reflective of the identities and interests of the community in that area;
 - Provides for effective and convenient local government; and
 - Takes into account any other arrangements for the purposes of community representation or community engagement in the area.
- 1.8 When considering the above criteria, Government guidance states that the Council should take into account:-
- The impact of community governance arrangements on community cohesion; and
 - The size, population and boundaries of a local community or parish.
- 1.9 The guidance emphasises that ‘the recommendations made in a community governance review ought to bring about improved community engagement, better local democracy and result in more effective and convenient delivery of local services’.

2. CONSULTATION

- 2.1 In coming to its recommendations in the review, the Council will take account of the views of local people and stakeholders. Legislation requires the Council to consult the local government electors for the area under review and any other person or body who appears to have an interest in the review, and to take the representations that are received into account by judging them against the criteria in the 2007 Act.
- 2.2 The Council wishes to promote community engagement and transparency in decision-making. In relation to the review the Council will:
- Publish these terms of reference and accept submissions by post or via e-mail or the Council’s website;

- Publicise the review by providing information to the relevant town and parish councils and by other printed and electronic means;
- Consult residents, local organisations and elected representatives in the areas under review.
- Make key documents available at the District Council offices and at other venues in the parishes affected;
- Consider all submissions received; and
- Publicise the outcome of the review.

2.3 The Council will notify Hertfordshire County Council that a review is to be undertaken; the County Council is a formal consultee of this process.

2.4 The Council will consider each case on its merits and on the basis of the information and evidence provided during the course of the review. The Council is mindful that proposals which are intended to reflect community identity and local linkages should be justified in terms of sound and demonstrable evidence of those identities and linkages.

3. THE TIMETABLE FOR THE REVIEW

3.1 Publication of these terms of reference formally begins the review, which must then be completed within twelve months.

Timetable for Community Governance Review of Buntingford Town Council	
Stage of process	Proposed dates
Publication of terms of reference	Tuesday 13 February 2018
Initial submissions	
Initial submissions invited/ publicity campaign	Tuesday 13 February – Friday 6 April 2018
Deadline for initial submissions	Friday 6 April 2018
Consideration of submissions/ preparation of draft recommendations	April – May 2018
Consultation on draft recommendations	
Publication of draft recommendations	May 2018
Consultation on draft recommendations/publicity campaign	May – July 2018
Deadline for consultation responses	Friday 20 July 2018
Consideration of responses/ preparation of final recommendations	July – September 2018

Decisions & implementation	
Publication of final recommendations	September 2018
Council meeting to make Reorganisation Order	Wednesday 17 October 2018
Revised electoral register published incorporating any amendments	1 December 2018
Implementation of any changes for financial/administrative purposes	1 April 2019
Parish council ordinary elections	2 May 2019

4. ISSUES FOR CONSIDERATION IN THE REVIEW

- 4.1 The review will consider current and projected patterns of population, development, community identify and linkages in the area under review; and whether these give rise to the need for any changes to parish boundaries and/or electoral arrangements.
- 4.2 Plans showing the existing parish and ward boundaries in the area under consideration; and the areas identified in the request from Buntingford Town Council at paragraph 1.5 above are attached at Appendix 'A' to these terms of reference.
- 4.3 In reviewing the community governance arrangements of any parish in its area, the Council is required to consider the number of local government electors in the area under review, and any change in that number or the distribution of the electors which is likely to occur in the period of five years beginning with the day when the review starts.
- 4.4 The table below shows the current electorate of each of the parishes affected by this review:-

Parish	Current electorate (February 2018)
Aspenden	196
Buntingford	4,579
Cottered	557

- 4.5 Electorate forecasts for February 2023, taking into account information on developments underway or planned based on planning permissions granted and the draft District Plan will be published to inform the consultation process during the review and provided to the town and parish councils concerned.

- 4.6 As part of the consultation process the Council will also make available information on the Council Tax precept (Band D equivalent) currently applicable in each of the parishes under review.

5. POLICIES THAT WILL GUIDE THE REVIEW

Parishes

- 5.1 The Council considers that parishes should reflect distinctive and recognisable communities of interest, with their own sense of identity and that electors should be able to identify clearly with the parish in which they are resident. The feeling of local community and the wishes of local inhabitants are therefore important considerations in the review.
- 5.2 The Council will give careful consideration both to traditional community identities and historic parish arrangements; and to any changes that have happened over time, for example population movements or new development, that may have led to a different community identity in an area.
- 5.3 The Council wishes to ensure that parishes should be viable as an administrative unit and should possess a precept that enables them effectively to promote the well-being of their residents and contribute to the provision of services in their areas.

Boundaries

- 5.4 The Council considers that the boundaries between parishes will normally reflect the distinct community identities of the respective areas. Boundaries will often follow areas of low population between settlements or pronounced physical barriers (either natural or built) such as watercourses, marshland or moorland; parks, canals, railways or major roads.
- 5.5 The Council considers that 'natural' settlements or settlements as they are defined in the draft District Plan should not in normal circumstances be partitioned by parish boundaries.
- 5.6 Should a reorganisation of parish boundaries occur as a result of the review, the Council will aim to select boundaries that are and are likely to remain easily identifiable.

6. ELECTORAL ARRANGEMENTS

Electoral cycle

- 6.1 Any changes to parish electoral arrangements will come into effect at the next scheduled ordinary parish elections. Parish elections will take place in East Hertfordshire in May 2019 and every four years thereafter.

The number of parish councillors

- 6.2 Legislation provides that the number of parish councillors for each parish council shall not be fewer than five. There is no maximum number. Government guidance is that 'each area should be considered on its own merits, having regard to its population, geography and the pattern of communities.
- 6.3 When considering the number of councillors to be elected for a parish the Council will, as required by the 2007 Act, have regard to the number of local government electors for the parish; and any change in that number which is likely to occur in the next five years. The Council will also have regard to existing levels of representation, the broad pattern of existing council sizes which have stood the test of time and the take-up of seats at elections in its consideration of this matter.

Parish warding

- 6.4 The Council may also consider whether a parish should be divided into wards for the purposes of elections to the parish council, and when doing so must take into account:-
- Whether the number, or distribution, of the local government electors for the parish would make a single election of councillors impracticable or inconvenient; and
 - Whether it is desirable that any area or areas of the parish should be separately represented on the council.

7. REORGANISATION OF COMMUNITY GOVERNANCE ORDERS AND COMMENCEMENT

- 7.1 The review will be completed when the Council agrees its final recommendations. At the conclusion of the review the Council will adopt a Reorganisation of Community Governance Order. Copies of this order, the map(s) that show the effects of the order in detail, and the document(s) which set out the reasons for the Council's decisions (including where it has decided to make no change following a review) will be deposited at the Council's offices and copies provided to the clerk of each town or parish council affected. The information will also be published on the Council's website.
- 7.2 In accordance with Government guidance the Council will issue maps to illustrate each recommendation at a scale not smaller than 1:10,000. These maps will be deposited with the Secretary of State for Communities and Local Government and prints will also be supplied in accordance with regulations to Ordnance Survey, the Registrar General, the Land Registry, the Valuation Office Agency, the Boundary Commission for England, the Local Government Boundary Commission for England and Hertfordshire County Council.

- 7.3 The provisions of any order will take effect for financial and administrative purposes on 1 April following the adoption of the order. Any revised electoral arrangements for a new or existing parish council will come into effect at the next ordinary parish council elections.

8. CONSEQUENTIAL MATTERS

- 8.1 A reorganisation order may cover any consequential matters that appear to the Council to be necessary or proper to give effect to the order. These may include the transfer and management or custody of property, the setting of precepts for new parishes, provision with respect to the transfer of any functions, property, rights and liabilities and/or provision for the transfer of staff, compensation for loss of office, pensions and other staffing matters.
- 8.2 In these matters, the Council will be guided by the relevant regulations issued following the 2007 Act. In particular, the Council notes that the regulations regarding the transfer of property, rights and liabilities require that any apportionments shall use the population of the area as estimated by the proper officer of the Council as an appropriate portion.
- 8.3 In the event that the review results in proposals to alter the electoral arrangements for a parish whose existing electoral arrangements were put in place within the previous five years by an order made either by the Secretary of State, the Electoral Commission or the Local Government Boundary Commission for England (LGBCE), the consent of the LGBCE will be required.

Principal area boundaries

- 8.4 Any changes made to parish boundaries as a result of this review will not automatically change the corresponding district ward or county division boundaries. In the event of a reorganisation order making such a change the Council may recommend the LGBCE that the district and county boundaries are realigned along the revised parish boundary and it would be for the LGBCE to decide if related alterations should be made.
- 8.5 The LGBCE would require evidence that the Council has consulted on the recommendations as part of the review. The Council will therefore seek to include any such draft recommendations for consultation at the earliest possible opportunity should they appear desirable.
- 8.6 Where such consequential matters affect Hertfordshire County Council, the Council will also seek the views of that council with regard to alterations to electoral division boundaries in accordance with Government guidance.

Date of publication of these terms of reference: 13 February 2018

How to contact us

Enquiries regarding the review process and/or comments on the matters set out in these terms of reference should be directed to:

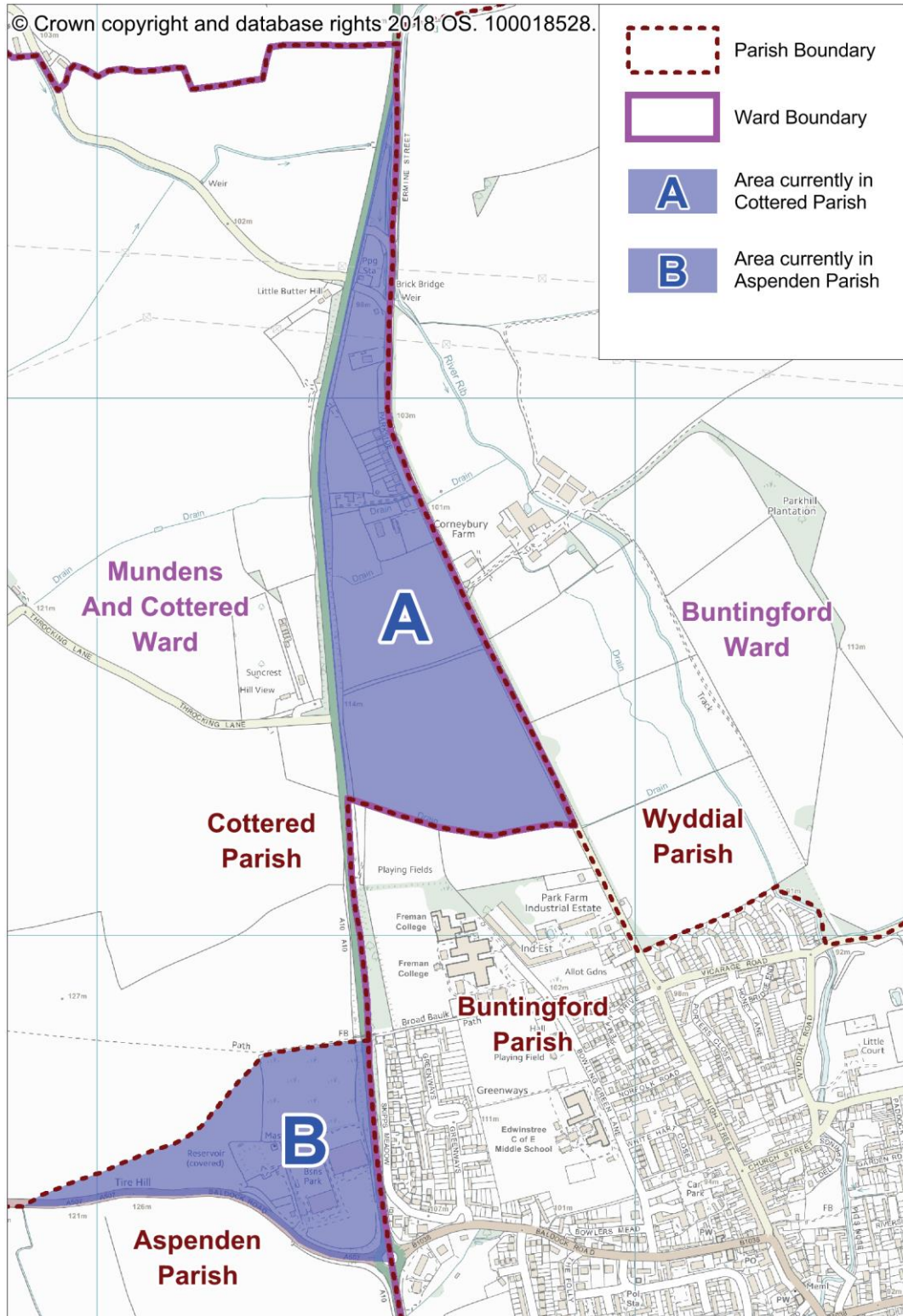
**John Williams, Electoral Services Officer,
East Hertfordshire District Council,
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Pegs Lane,
Hertford,
SG13 8EQ**

E-mail: electors@eastherts.gov.uk

Telephone: 01279 502147

APPENDIX 'A'

The map below shows the current boundary of Buntingford Town Council with Coterred Parish Council and Aspenden Parish Council. The areas identified by the town council for consideration in the review are shaded on the map.



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EAST HERTS COUNCIL

COUNCIL – 17 OCTOBER 2018

REPORT BY HEAD OF LEGAL & DEMOCRATIC SERVICES AND
MONITORING OFFICER

COMMUNITY GOVERNANCE REVIEW OF EASTWICK AND GILSTON
PARISH COUNCIL – REPORT ON SECOND STAGE CONSULTATION AND
FINAL RECOMMENDATIONS

WARD(S) AFFECTED: HUNSDON

Purpose/Summary of Report

- To report the responses received during the second stage consultation period for the Community Governance Review of Eastwick and Gilston Parish Council; and to agree and give effect to the final recommendations of the Community Governance Review.

RECOMMENDATIONS FOR THE COUNCIL: That:

(A)	The Council note the responses received to the consultation on the Community Governance Review of Eastwick and Gilston Parish Council, together with the recommendations of the Executive in relation to the review;
(B)	The Council agree and give effect to the final recommendations of the Community Governance Review as follows:-

	<ul style="list-style-type: none"> (1) That no new parishes be constituted in the area under review; (2) That Eastwick Parish should not be abolished and that its area should not be altered; (3) That Gilston Parish should not be abolished and that its area should not be altered; (4) That no change be made to the name of either Eastwick or Gilston Parish and that the parishes continue to be grouped under a single common parish council (Eastwick and Gilston Parish Council); (5) That the number of councillors to be elected to represent Eastwick Parish on Eastwick and Gilston Parish Council remain unchanged at 3; (6) That the number of councillors to be elected to represent Gilston Parish on Eastwick and Gilston Parish Council be increased from 3 to 4; (7) That Eastwick and Gilston parishes each continue to not be divided into wards for the purpose of electing parish councillors; and
(C)	<p>The Council make the East Hertfordshire (Reorganisation of Community Governance) (Eastwick and Gilston) Order 2018 as attached at Essential Reference Paper B.</p>

1.0 Background – Community Governance Reviews

1.1 Chapter 3 of Part 4 of the Local Government and Public Involvement in Health Act 2007 ('the 2007 Act') empowers a principal authority such as East Herts Council to review and make changes to the governance arrangements for parishes and parish/town councils in its area.

- 1.2 The mechanism for making decisions on these matters is a Community Governance Review. This is a review of the whole or part of the district with a view to making recommendations on one or more of the following:
- Creating, merging or abolishing parishes;
 - Boundary alterations between existing parishes;
 - The naming of parishes and the style of new parishes;
 - The establishment of parish councils;
 - Electoral arrangements for parish councils (the year of election; number of councillors; warding), and/or
 - Grouping parishes under a common parish council or de-grouping parishes.
- 1.3 A Community Governance Review may be triggered by a statutory petition or a formal 'application' in the terms of the 2007 Act, or the Council may decide to undertake a review at any time, e.g. in response to population changes or new housing development, as part of a periodic programme of reviews or in response to a request from a town/parish council or other person(s).
- 1.4 Section 93 (3) of the 2007 Act requires that in undertaking a review the Council must consult (i) the local government electors for the area under review; and (ii) any other person or body (including a local authority) which appears to the principal council to have an interest in the review. Section 93 (6) states that the Council must take into account any representations received in connection with the review; whilst Section 100 (4) provides that the Council must have regard to guidance issued by the Secretary of State and the Local Government Boundary Commission for England (LGBCE).
- 1.5 A Community Governance Review begins when the Council publishes terms of reference for the review and ends when it

agrees the final recommendations (which must be within 12 months of the review starting) and adopts a Community Governance Reorganisation Order detailing any changes in accordance with those recommendations. Any revised electoral arrangements take effect at the next ordinary parish elections, which in East Herts are scheduled for May 2019.

Consequential recommendations to the LGBCE

- 1.6 Any changes to parish or parish/town ward boundaries as a result of this review will not automatically change the corresponding district ward or county division boundaries. In the event that such changes are made the Council may make recommendations to the LGBCE that the district ward and county division boundaries are realigned to follow the revised parish/parish ward boundaries. The LGBCE would require evidence that the Council has consulted on this as part of the review.

2.0 Issues for consideration and decision-making criteria for a Community Governance Review

- 2.1 Section 93 (4) of the 2007 Act requires a principal council to have regard to the need to secure that community governance within the area under review –
- (a) reflects the identities and interests of the community in that area; and
 - (b) is effective and convenient.
- 2.2 Section 93 (5) provides that in deciding what recommendations to make, a principal council must take into account any other arrangements (apart from those relating to parishes and their institutions) –
- (a) that have already been made, or

(b) that could be made,

for the purposes of community representation or community engagement in respect of the area under review.

2.3 The guidance issued by the Secretary of State and the LGBCE states that when considering the above criteria, principal councils should take into account a number of influential factors, including:

- the impact of community governance arrangements on community cohesion; and
- the size, population and boundaries of a local community or parish.

2.4 The guidance further states that ‘the general rule should be that the parish is based on an area which reflects community identity and interest and which is of a size which is viable as an administrative unit of local government’. In relation to boundaries, the guidance states that these ‘should reflect the “no-man’s land” between communities represented by areas of low population or barriers such as rivers, roads or railways.’

Electoral arrangements

2.5 Once the Council has determined whether it will make any changes to parish boundaries, it must go on to consider if any changes are required to the electoral arrangements for the parish(es) affected. Electoral arrangements are defined in the 2007 Act as:-

- **Ordinary year of election** – the year in which ordinary elections of the parish/town councillors are to be held;
- **Council size** - the number of councillors to be elected to the parish/town council; and

- **Parish warding** - whether the parish should be, or should continue to be, divided into wards for the purpose of electing parish/town councillors, including the number and boundaries of any such wards, the number of councillors to be elected for any such ward and the name of any such ward.

Making recommendations

- 2.6 Sections 87 to 92 of the 2007 Act provide that at the end of a Community Governance Review the principal council must make recommendations as to:
- (a) Whether a new parish or any new parishes should be constituted;
 - (b) Whether existing parishes should or should not be abolished or whether the area of existing parishes should be altered; and
 - (c) What the electoral arrangements for new or existing parishes, which are to have parish councils, should be.
- 2.7 The principal council may also make recommendations about:
- (a) The grouping or de-grouping of parishes;
 - (b) Adding parishes to an existing group of parishes; or
 - (c) Making related alterations to the boundaries of a principal council's electoral area.

3.0 Community Governance Review of Eastwick and Gilston Parish Council

- 3.1 The Council on 1 March 2018 agreed to undertake a Community Governance Review of Eastwick & Gilston Parish Council. The review was agreed following a request from the Parish Council which sought an increase of one in the number of parish councillors, from six to seven. The request was made

on the basis that the completion of the Terlings Park development has resulted in the number of dwellings in Gilston being more than doubled and the Parish Council believes that an increase in the number of parish councillors is required to support this growth.

Terms of reference

- 3.2 The review began on 20 March 2018 with the publication of terms of reference setting out the aims, process and timetable for the review and the matters to be considered. The terms of reference included a number of policies, consistent with the criteria at section 2 above, to guide the consideration of evidence and the formulation of recommendations during the review. A copy of the terms of reference is attached at **Essential Reference Paper C**.

Initial consultation and draft recommendations

- 3.3 The initial period of public consultation ran from 20 March 2018 until 27 April 2018, during which local residents and all interested parties were invited to make initial submissions on the Parish Council's proposal and any other matters that they feel should be considered.
- 3.4 In total four responses were received to the initial consultation. Three of these were in favour of the Parish Council's proposal and one offered no comment.
- 3.5 The Council meeting on 16 May 2018 discussed the Community Governance Review. In considering whether or not the proposals from the Parish Council should be recommended, the Council took into account the responses received to the consultation, the LGBCE's guidance on community governance reviews, geographical data, electorate projections and the recommendations of the Executive which in turn were

informed by the comments of the Overview & Scrutiny Committee.

- 3.6 The Council agreed as its draft recommendations for the review that the number of parish councillors to be elected to Eastwick and Gilston Parish Council by electors in Gilston Parish should be increased from three to four, thereby increasing the total size of the grouped Parish Council with effect from the May 2019 parish elections to seven councillors.

4.0 Second stage consultation

- 4.1 The Council's draft recommendations were published for a further round of public consultation from 31 May 2018 until 27 July 2018.
- 4.2 As for the first round of public consultation, a range of methods and channels were used to publicise the draft recommendations and invite electors and others to respond including:
- Notification to the relevant parish/town councils and to the County Council
 - Notification to elected representatives for the areas under review and local political parties
 - Letters/e-mails to community groups and business organisations based in the areas under review
 - Consultation leaflets distributed via the Council offices at Wallfields and Charringtons and local community venues
 - A dedicated page for the review on the 'consultations' section of the EHDC website consultation with an online form for responses and periodic links from the home page
 - Press releases, social media and 'network' posts.
- 4.3 Responses were accepted by post, e-mail or via the online form.

5.0 Responses to the second stage consultation

5.1 No further submissions were received in response to the second stage consultation.

6.0 Recommendations of the Executive

6.1 The Executive on 11 September 2018 considered the Community Governance Review. The Executive Member for Finance and Support Services asked the Executive to note that no further responses were received and to forward recommendations to Council, which would agree the final outcome of the review.

6.2 Councillor G Williamson moved, and Councillor E Buckmaster seconded, a motion that the recommendations now detailed be supported. After being put to the meeting and a vote taken, the motion was declared CARRIED and the Executive made the following recommendations to the Council:-

That (A) the receipt of no further responses to the second stage consultation on the Community Governance Review of Eastwick and Gilston Parish Council, be noted; and

(B) the draft recommendations for the Community Governance Review of Eastwick and Gilston Parish Council, be confirmed.

7.0 Considerations and final recommendations

7.1 The following paragraphs consider in turn the matters on which the Council must or may make recommendations as set out in section 2 of the report. In each case the criteria set out in the 2007 Act and the statutory guidance, together with the policies set out in the terms of reference for the review, are applied in

the context of the evidence submitted, the responses to the consultation and the recommendations of the Executive; and the final recommendations of the Community Governance Review are proposed.

Whether a new parish or any new parishes should be constituted

- 7.2 Section 87 of the 2007 Act requires that a principal council undertaking a Community Governance Review must make recommendations on whether a new parish or any new parishes should be constituted. In relation to Eastwick and Gilston, the entire area under review is already parished.

Recommendation 1 – That no new parishes be constituted in the area under review

Whether existing parishes should or should not be abolished or whether the area of existing parishes should be altered; and the grouping of parishes

- 7.3 Section 88 of the 2007 Act requires that a Community Governance Review must make one of the following recommendations in relation to each of the existing parishes under review:
- (a) That the parish should not be abolished and that its area should not be altered;
 - (b) That the area of the parish should be altered; or
 - (c) That the parish should be abolished.
- 7.4 No evidence has been submitted to support any proposition that either of the parishes under review should be abolished or their area altered.

- 7.5 The review must also make recommendations as to whether or not the name of the parish should be changed; and if the parish has a council, recommendations as to whether or not the parish should continue to have a council. Eastwick and Gilston parishes are currently grouped under a single common parish council.
- 7.6 No evidence has been submitted to the review regarding any proposed change of name for either parish, nor to support any proposition that either Eastwick or Gilston parish should not have a council or that the two parishes should not continue to be grouped under a single parish council.
- 7.7 The recommendations below build on the above findings and give effect to the criteria and policies in the terms of reference for the review in relation to community identities and interests, effective and convenient local government and the size, population and boundaries of the respective parishes.
- 7.8 In relation to community cohesion, this is related to community identities and interests and no evidence has been submitted to suggest that any of the recommendations will damage community cohesion.
- 7.9 As stated above, the 2007 Act requires a principal council in undertaking a Community Governance Review to give consideration to other (non-parish) forms of community governance that have been made, or could be made, for the purpose of community representation or engagement in the area under review. The guidance states that these should be considered as alternatives to, or stages towards, the establishment of parish councils. However, the guidance also states that 'what sets parish councils apart from other kinds of governance is the fact they are a democratically elected tier of local government, independent of other council tiers and budgets, and possess specific powers' and that 'their directly

elected parish councillors represent local communities in a way that other bodies, however worthy, cannot since such organisations do not have representatives directly elected to those bodies'. No evidence has been submitted to the review that the grouped parish council should be replaced by any other arrangements.

Recommendation 2 – That Eastwick Parish should not be abolished and that its area should not be altered.

Recommendation 3 – That Gilston Parish should not be abolished and that its area should not be altered

Recommendation 4 - That no change be made to the name of either Eastwick or Gilston Parish and that the parishes continue to be grouped under a single common parish council (Eastwick and Gilston Parish Council).

What the electoral arrangements for new or existing parishes, which are to have parish councils, should be.

Council size

- 7.10 The Local Government Act 1972, as amended, specifies that each parish council must have at least five councillors. There is no maximum number, no requirement in legislation that the number of councillors should be proportional to electorate size and no legislative guidance on the ideal number of parish councillors.
- 7.11 The LGBCE's guidance is that "each area should be considered on its own merits, having regard to its population, geography and the pattern of communities. Nevertheless, having regard to the current powers of parish councils, [the principal council] should consider the broad pattern of existing council sizes.

This pattern appears to have stood the test of time and, in the absence of evidence to the contrary, to have provided for effective and convenient local government. Principal councils should also bear in mind that the conduct of parish council business does not usually require a large body of councillors. [...]”

7.12 The statutory guidance goes on to state: “In addition, historically many parish councils, particularly smaller ones, have found difficulty in attracting sufficient candidates to stand for election. This has led to uncontested elections and/or a need to co-opt members in order to fill vacancies. However, a parish council’s budget and planned or actual level of service provision may also be important factors in reaching conclusions on council size.”

7.13 Although there is no statutory guidance on the number of parish councillors to be allocated, the National Association of Local Councils (NALC) has published recommendations on the matter. NALC Circular 1126 (1988) recommends that a council of no more than the legal minimum of five members is inconveniently small and that the practical minimum should be seven, to apply to any parish council with up to 900 electors. Further recommendations were made for parishes with larger electorates, up to a maximum of 25 councillors where the electorate exceeds 23,000.

7.14 The Aston Business School also published research in 1992 which showed actual levels of representation at that time as follows:-

Electors	Councillors	Electors	Councillors
Up to 500	5-8	10,001 – 20,000	13-27
501 – 2,500	6-12	Over 20,000	13-31
2,501 – 10,000	9-16		

- 7.15 Eastwick and Gilston Parish Council is a grouped parish council and currently has six councillors, three from each parish. The total current electorate for Eastwick and Gilston parishes is 661 (March 2018). This figure has grown from 331 in 2015.
- 7.16 At the ordinary parish elections in May 2015, three parish councillors were returned to Eastwick and Gilston Parish Council, leaving three places unfilled which were subsequently filled by co-option.
- 7.17 When recommending the number of councillors to be elected for each parish, the Council must take into account 'the number of local government electors for the parish and any change in the number, or distribution, of the local government electors which is likely to occur in the period of five years beginning with the day when the review starts'.
- 7.18 For the purposes of the Community Governance Review, East Herts District Council has therefore calculated current and estimated forecast electorates and elector-to-councillor ratios for the areas under review (forecasts updated September 2018).
- 7.19 Whilst every care has been taken to ensure that the figures below are as accurate as possible, it will be noted that any forecast electorate figure can only be an estimate based on the best information available. In particular, planned or consented development may not take place as scheduled, or at all. A technical note on the methodology employed in calculating the electorate forecasts is available on request.
- 7.20 The following table shows the current and forecast electorates and elector-to-councillor ratios for each of the parishes under review.

Parish	Current no. of cllrs	Current electorate Feb 2018	Ratio (electors/ Councilor) Feb 2018	Proposed no. of cllrs	Forecast electorate Feb 2023	Forecast ratio Feb 2023
Eastwick	3	126	42	3	215	72
Gilston	3	535	178	4	535	134
Eastwick & Gilson Parish Council	6	661	110	7	750	107

7.21 The proposed increase in the number of councillors for Gilston Parish is therefore forecast to improve electoral equality. There is no duty to ensure electoral equality between parishes, but the LG BCE believes it is not in the interests of effective and convenient local government, either for voters or councillors, to have significant differences in representation. Eighteen parish councils within East Herts currently have five or six parish councillors. Only four of these have an electorate in excess of 500. The thirteen parish councils that currently have seven councillors range in electorate from 210 to 1,273.

Parish warding

7.22 The Council is required to consider whether a parish should be, or should continue to be, divided into wards for the purposes of elections to the parish/town council and the number and boundaries of parish wards, taking account of population distribution and community identity and interests in the area.

7.23 Regarding whether a parish should be divided into wards, the 2007 Act requires the Council to consider:

- a) Whether the number, or distribution of the local government electors for the parish would make a single election of councillors impracticable or inconvenient; and
- b) Whether it is desirable that any area or areas of the parish should be separately represented.

7.24 Eastwick and Gilston Parishes are currently unwarded. No evidence has been submitted to suggest that this is impracticable or inconvenient, or that any areas of either parish should be separately represented. It is not proposed that the forecast change in the electorate or the proposed increase of one in the size of the parish council would give rise to any need for this to change.

Recommendation 5 – That the number of councillors to be elected to represent Eastwick Parish on Eastwick and Gilston Parish Council remain unchanged at 3.

Recommendation 6 – That the number of councillors to be elected to represent Gilston Parish on Eastwick and Gilston Parish Council be increased from 3 to 4.

Recommendation 7 – That Eastwick and Gilston parishes each continue to not be divided into wards for the purpose of electing parish councillors.

8.0 Conclusions

8.1 The second stage consultation period for the Community Governance Review of Eastwick and Gilston Parish Council closed on Friday 27 July 2018. This report sets out the issues for consideration in the review; the results of that consultation; and the proposed final recommendations of the review. No further submissions were received in response to the consultation. The Council is invited to agree and give effect to the final recommendations of the Community Governance Review and to make the Reorganisation of Community Governance Order at **Essential Reference Paper B**.

9.0 Implications/Consultations

9.1 Information on any corporate issues and consultation associated with this report can be found in **Essential Reference Paper 'A'**.

Background Papers

None

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IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives	Priority 1 – Improve the health and wellbeing of our communities
Consultation:	Chief Executive/Returning Officer/Electoral Registration Officer Head of Legal and Democratic Services
Legal:	The processes associated with undertaking a Community Governance Review are prescribed by statute and associated statutory guidance. The relevant legal provisions and implications are set out in the body of the report.
Financial:	Any costs arising from undertaking and/or implementing the recommendations of the Community Governance Review will be met from existing staff/budgetary resources within Legal and Democratic Services or other relevant service area.
Human Resource:	There are no ongoing staffing implications of the report. Any staff requirements of undertaking and/or implementing the recommendations of the Community Governance Review will be met from existing resources within Legal and Democratic Services or other relevant service area.
Risk Management:	No significant implications.
Health and wellbeing – issues and impacts:	Effective and convenient community governance arrangements can contribute to the promotion of improved health and wellbeing for communities.
Equality Impact Assessment required:	No.

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LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

The East Hertfordshire (Reorganisation of Community Governance) (Eastwick and Gilston) Order 2018

Made 17 October 2018

Coming into force in accordance with article 1

East Hertfordshire District Council (“the council”), in accordance with section 82 of the Local Government and Public Involvement in Health Act 2007¹ (“the 2007 Act”), has undertaken a community governance review and made recommendations dated October 2018:

The council has decided to give effect to those recommendations and, in accordance with section 93 of the 2007 Act, has consulted with the local government electors and other interested persons and has had regard to the need to secure that community governance reflects the identities and interests of the community and is effective and convenient:

The council, in accordance with section 100 of the 2007 Act, has had regard to guidance issued under that section:

The council makes the following Order in exercise of the powers conferred by sections 86, 98(3) and 240(10) of the 2007 Act.

Citation and commencement

1.—(1) This Order may be cited as the East Hertfordshire (Reorganisation of Community Governance) (Eastwick and Gilston) Order 2018.

(2) Subject to paragraphs (3) and (4) below, this Order comes into force on 1st April 2019.

(3) Articles 5 and 6 shall come into force on the ordinary day of election of councillors in 2019.

(4) For the purposes of:

(a) this article; and

(b) proceedings preliminary or relating to the elections of parish councillors for the parish of Eastwick and the parish of Gilston to be held on the ordinary day of election of councillors in 2019,

this Order shall come into force on the day after that on which it is made.

Interpretation

2. In this Order—

“county” means the county of Hertfordshire;

“district” means the district of East Hertfordshire;

“existing” means existing on the date this Order is made;

“map” means the map marked “Map referred to in the East Hertfordshire (Reorganisation of Community Governance) (Eastwick and Gilston) Order 2018” and deposited in accordance with section 96(4) of the 2007 Act: and any reference to a numbered sheet is a reference to the sheet of the map which bears that number;

“ordinary day of election of councillors” has the meaning given by section 37 of the Representation of the People Act 1983; and

“registration officer” means an officer appointed for the purpose of, and in accordance with, section 8 of the Representation of the People Act 1983.

Effect of Order

3. This Order has effect subject to any agreement under section 99 (agreements about incidental matters) of the Local Government and Public Involvement in Health Act 2007 relevant to any provision of this Order.

Parish elections

4. Elections of all parish councillors for the parishes of Eastwick and Gilston shall be held on the ordinary day of election of councillors in 2019.²

Number of parish councillors for the parish of Eastwick

5. The number³ of councillors to be elected for the parish of Eastwick shall be 3.

Number of parish councillors for the parish of Gilston

6. The number⁴ of councillors to be elected for the parish of Gilston shall be 4.

Order date

7. 1st April 2019 is the order date for the purposes of the Local Government (Parishes and Parish Councils) (England) Regulations 2008.⁵

Sealed with the seal of the council on the [*day e.g. 31st*] day of [*month*] [*year*]

[*Signature*]

[*day e.g. 31st*] [*month*] [*year*]

[*Title of signatory*]

² This article provides for parish elections in the parishes of Bishop’s Stortford and Thorley in 2019. Section 16(3) of the Local Government Act 1972 (c.70) provides for parish elections to take place every four years.

³ Section 16(1) of the Local Government Act 1972 (c.70), as amended by section 101 of, and paragraph 6(2) of Schedule 5 to, the Local Government and Public Involvement in Health Act 2007 (c.28), provides for the minimum number of parish councillors on a parish council to be five. There is no minimum number of parish councillors for a parish.

⁴ Section 16(1) of the Local Government Act 1972 (c.70), as amended by section 101 of, and paragraph 6(2) of Schedule 5 to, the Local Government and Public Involvement in Health Act 2007 (c.28), provides for the minimum number of parish councillors on a parish council to be five. There is no minimum number of parish councillors for a parish.

⁵ S.I. 2008/625.

EXPLANATORY NOTE

(This note is not part of the Order)

Eastwick and Gilston parishes in East Hertfordshire are grouped under a common parish council.

This Order gives effect to recommendations made by East Hertfordshire District Council for an increase in the number of councillors to be elected for Gilston Parish from 3 to 4.

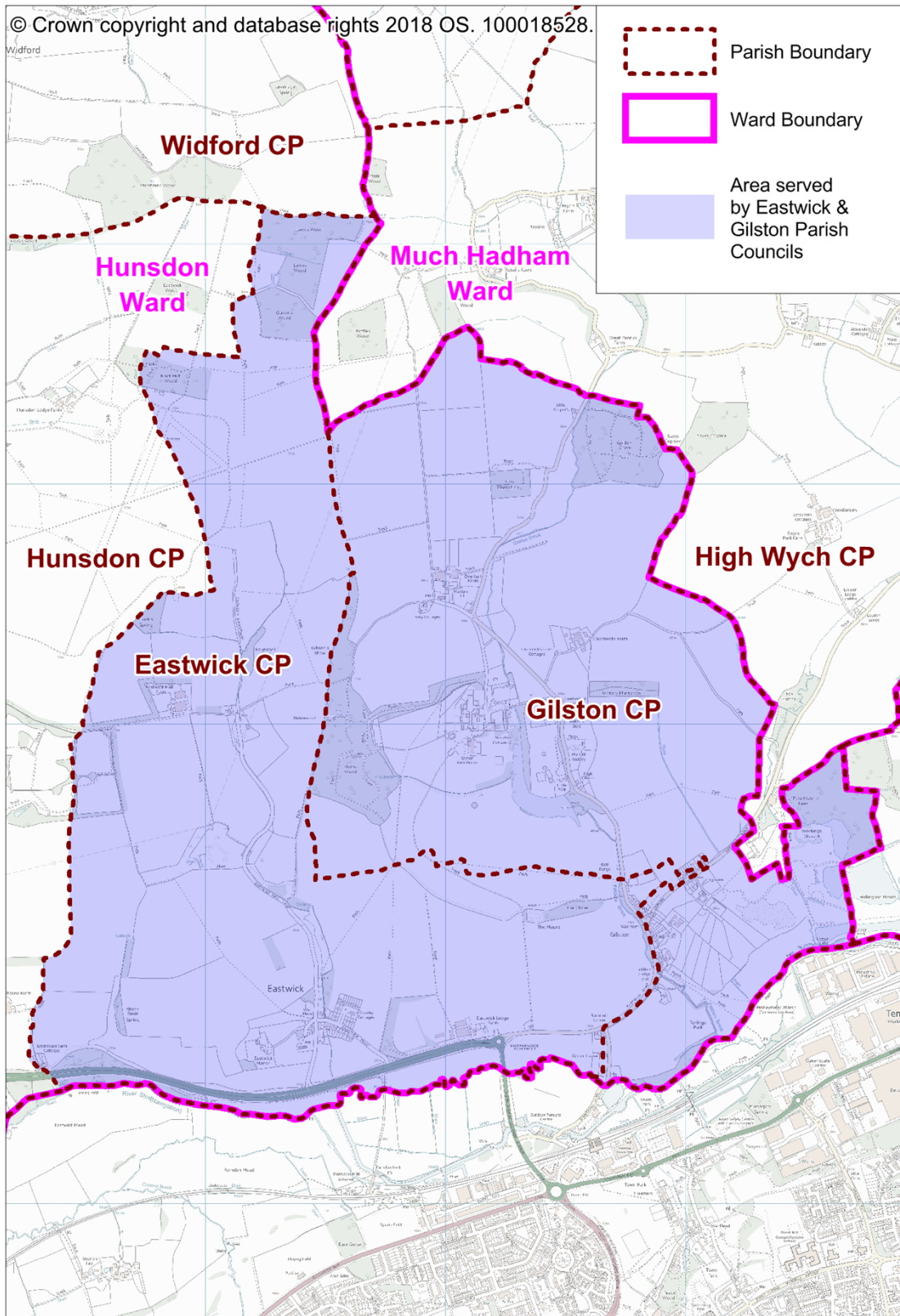
The number of councillors to be elected for Eastwick Parish will remain unchanged at 3.

The electoral arrangements apply in respect of parish elections to be held on and after the ordinary day of election of councillors in 2019.

Article 4 provides for parish elections in the parishes of Eastwick and Gilston in 2019, and then to continue according to the established system of parish elections every four years.

Articles 5 and 6 specify the numbers of parish councillors to be elected for the parishes of Eastwick and Gilston respectively.

MAP REFERRED TO IN THE EAST HERTFORDSHIRE (REORGANISATION OF COMMUNITY GOVERNANCE) (EASTWICK AND GILSTON) ORDER 2018



EAST HERTFORDSHIRE DISTRICT COUNCIL**COMMUNITY GOVERNANCE REVIEW OF
EASTWICK AND GILSTON PARISH COUNCIL****TERMS OF REFERENCE****1. INTRODUCTION**

- 1.1 East Hertfordshire District Council ('the Council') has resolved to undertake a Community Governance Review ('the review') of Eastwick and Gilston Parish Council.
- 1.2 The review will consider whether the number of councillors to be elected to the parish council from Gilston parish should be increased in response to growth in the number of electors in the parish, and any consequent changes to the electoral arrangements for the parishes.
- 1.3 In undertaking this review the Council has considered the Guidance on Community Governance Reviews issued in March 2010 by the Secretary of State for Communities and Local Government and will be guided by Part 4 of the Local Government and Public Involvement in Health Act 2007 ('the 2007 Act'), the relevant parts of the Local Government Act 1972 and associated regulations.
- 1.4 These terms of reference set out the aims of the review, the matters on which it will focus and policies that the Council considers relevant to the review. The terms of reference will be published on the Council's website and in hard copy and will be made available at the District Council offices and at other venues within the area under review.

Reasons for the review

- 1.5 The Council is undertaking the review at this time in response to a request from Eastwick and Gilston Parish Council. The Chairman of the Parish Council wrote on 15 December 2017 to the Council's Head of Legal and Democratic Services requesting a review of the parish council with a view to increasing the number of parish councillors by one, from six to seven. The request was made on the basis that the completion of the Terlings Park development has resulted in the number of dwellings in Gilston parish being more than doubled and the Parish Council believes an increase in the number of parish councillors is required to support this growth.

Community Governance Reviews

- 1.6 A Community Governance Review is a review of the whole or part of the district to consider one or more of the following:
- Creating, merging, altering or abolishing parishes;

- The naming of parishes and the style of new parishes;
- The electoral arrangements for parishes (the ordinary year of election; council size; the number of councillors to be elected to the council, and parish warding), and/or
- Grouping parishes under a common parish council or de-grouping parishes.

The aims of the review

- 1.7 In accordance with the 2007 Act the Council will have regard to the need to secure community governance within the area under review which:-
- Is reflective of the identities and interests of the community in that area;
 - Provides for effective and convenient local government; and
 - Takes into account any other arrangements for the purposes of community representation or community engagement in the area.
- 1.8 When considering the above criteria, Government guidance states that the Council should take into account:-
- The impact of community governance arrangements on community cohesion; and
 - The size, population and boundaries of a local community or parish.

2. CONSULTATION

- 2.1 In coming to its recommendations in the review, the Council will take account of the views of local people and stakeholders. Legislation requires the Council to consult the local government electors for the area under review and any other person or body who appears to have an interest in the review, and to take the representations that are received into account by judging them against the criteria in the 2007 Act.
- 2.2 The Council wishes to promote community engagement and transparency in decision-making. In relation to the review the Council will:
- Publish these terms of reference and accept submissions by post or via e-mail or the Council's website;
 - Publicise the review by providing information to the parish council and by other printed and electronic means;
 - Consult residents, local organisations and elected representatives in the areas under review.
 - Make key documents available at the District Council offices and at other venues in the parishes affected;
 - Consider all submissions received; and
 - Publicise the outcome of the review.
- 2.3 The Council will notify Hertfordshire County Council that a review is to be undertaken; the County Council is a formal consultee of this process.

2.4 The Council will consider the matters under review on their merits and on the basis of the information and evidence provided during the course of the review.

3. THE TIMETABLE FOR THE REVIEW

3.1 Publication of these terms of reference formally begins the review, which must then be completed within twelve months.

Timetable for Community Governance Review of Eastwick and Gilston Parish Council	
Stage of process	Proposed dates
Publication of terms of reference	Tuesday 20 March 2018
Initial submissions	
Initial submissions invited/ publicity campaign	Tuesday 20 March – Friday 27 April 2018
Deadline for initial submissions	Friday 27 April 2018
Consideration of submissions/ preparation of draft recommendations	April – May 2018
Consultation on draft recommendations	
Publication of draft recommendations	May 2018
Consultation on draft recommendations/publicity campaign	May – July 2018
Deadline for consultation responses	20 July 2018
Consideration of responses/ preparation of final recommendations	July – September 2018
Decisions & implementation	
Publication of final recommendations	September 2018
Council meeting to make Reorganisation Order	Wednesday 17 October 2018
Revised electoral register published incorporating any amendments	1 December 2018
Implementation of any changes for financial/administrative purposes	1 April 2019
Parish council ordinary elections	2 May 2019

4. ISSUES FOR CONSIDERATION IN THE REVIEW

4.1 The review will consider current and projected patterns of population, development, community identity and linkages in the area under review; and whether these give rise to the need for any changes to parish electoral arrangements.

- 4.2 A plan showing the area covered by the parish council and the boundaries of Eastwick and Gilston parishes is attached at Appendix 'A' to these terms of reference.
- 4.3 In reviewing the community governance arrangements of any parish in its area, the Council is required to consider the number of local government electors in the area under review, and any change in that number or the distribution of the electors which is likely to occur in the period of five years beginning with the day when the review starts. The table below shows the current electorate of the two parishes that are grouped together to form Eastwick and Gilston Parish Council:-

Parish	Current electorate (March 2018)
Eastwick	126
Gilston	535

- 4.4 Electorate forecasts for March 2023, taking into account information on developments underway or planned based on planning permissions granted and the draft District Plan will be published to inform the consultation process during the review and provided to the parish council.
- 4.5 As part of the consultation process the Council will also make available information on the Council Tax precept (Band D equivalent) currently applicable in the parishes under review.

5. POLICIES THAT WILL GUIDE THE REVIEW

- 5.1 The Council considers that parishes should reflect distinctive and recognisable communities of interest, with their own sense of identity and that electors should be able to identify clearly with the parish in which they are resident. The feeling of local community and the wishes of local inhabitants are therefore important considerations in the review.
- 5.2 The Council wishes to ensure that parishes should be viable as an administrative unit and should possess a precept that enables them effectively to promote the well-being of their residents and contribute to the provision of services in their areas.
- 5.3 In accordance with Government guidance the Council intends that any recommendations made in the review should bring about improved community engagement, better local democracy and result in more effective and convenient delivery of local services.

6. ELECTORAL ARRANGEMENTS

- 6.1 Any changes to parish electoral arrangements will come into effect at the next scheduled ordinary parish elections. Parish elections will take place in East Hertfordshire in May 2019 and every four years thereafter.

The number of parish councillors

- 6.2 Legislation provides that the number of parish councillors for each parish council shall not be fewer than five. There is no maximum number. There are no statutory rules relating to the allocation of councillors although each parish grouped under a common parish council must have at least one parish councillor. Government guidance is that 'each area should be considered on its own merits, having regard to its population, geography and the pattern of communities'.
- 6.3 In addition to the electorate numbers and forecasts mentioned at paragraph 4.3 above the Council will, when considering the number of councillors to be elected for a parish, have regard to existing levels of representation in parishes across the district, the broad pattern of existing council sizes which have stood the test of time and the take-up of seats at elections in its consideration of this matter.
- 6.4 The Council will also give consideration to the recommendations of any national body representing parish and town councils and any published research on levels of representation.

Parish warding

- 6.5 The Council may also consider whether a parish should be divided into wards for the purposes of elections to the parish council, and when doing so must take into account:-
- Whether the number, or distribution, of the local government electors for the parish would make a single election of councillors impracticable or inconvenient; and
 - Whether it is desirable that any area or areas of the parish should be separately represented on the council.

7. REORGANISATION OF COMMUNITY GOVERNANCE ORDERS AND COMMENCEMENT

- 7.1 The review will be completed when the Council agrees its final recommendations. At the conclusion of the review the Council will adopt a Reorganisation of Community Governance Order. Copies of this order, the map(s) that show the effects of the order in detail, and the document(s) which set out the reasons for the Council's decisions (including where it has decided to make no change following a review) will be deposited at the Council's offices and copies provided to the clerk of each town or parish council affected. The information will also be published on the Council's website.
- 7.2 The provisions of any order will take effect for financial and administrative purposes on 1 April following the adoption of the order. Any revised electoral arrangements for a new or existing parish council will come into effect at the next ordinary parish council elections.

8. CONSEQUENTIAL MATTERS

- 8.1 A reorganisation order may cover any consequential matters that appear to the Council to be necessary or proper to give effect to the order. In these matters, the Council will be guided by the relevant regulations issued following the 2007 Act.
- 8.2 In the event that the review results in proposals to alter the electoral arrangements for a parish whose existing electoral arrangements were put in place within the previous five years by an order made either by the Secretary of State, the Electoral Commission or the Local Government Boundary Commission for England (LGBCE), the consent of the LGBCE will be required.
- 8.3. Where changes are made to parish boundaries that result in those boundaries no longer being coterminous with district ward or county division boundaries, the Council may recommend to the LGBCE that the principal area boundaries be realigned along the revised parish boundary.

Date of publication of these terms of reference: 20 March 2018

How to contact us

Enquiries regarding the review process and/or comments on the matters set out in these terms of reference should be directed to:

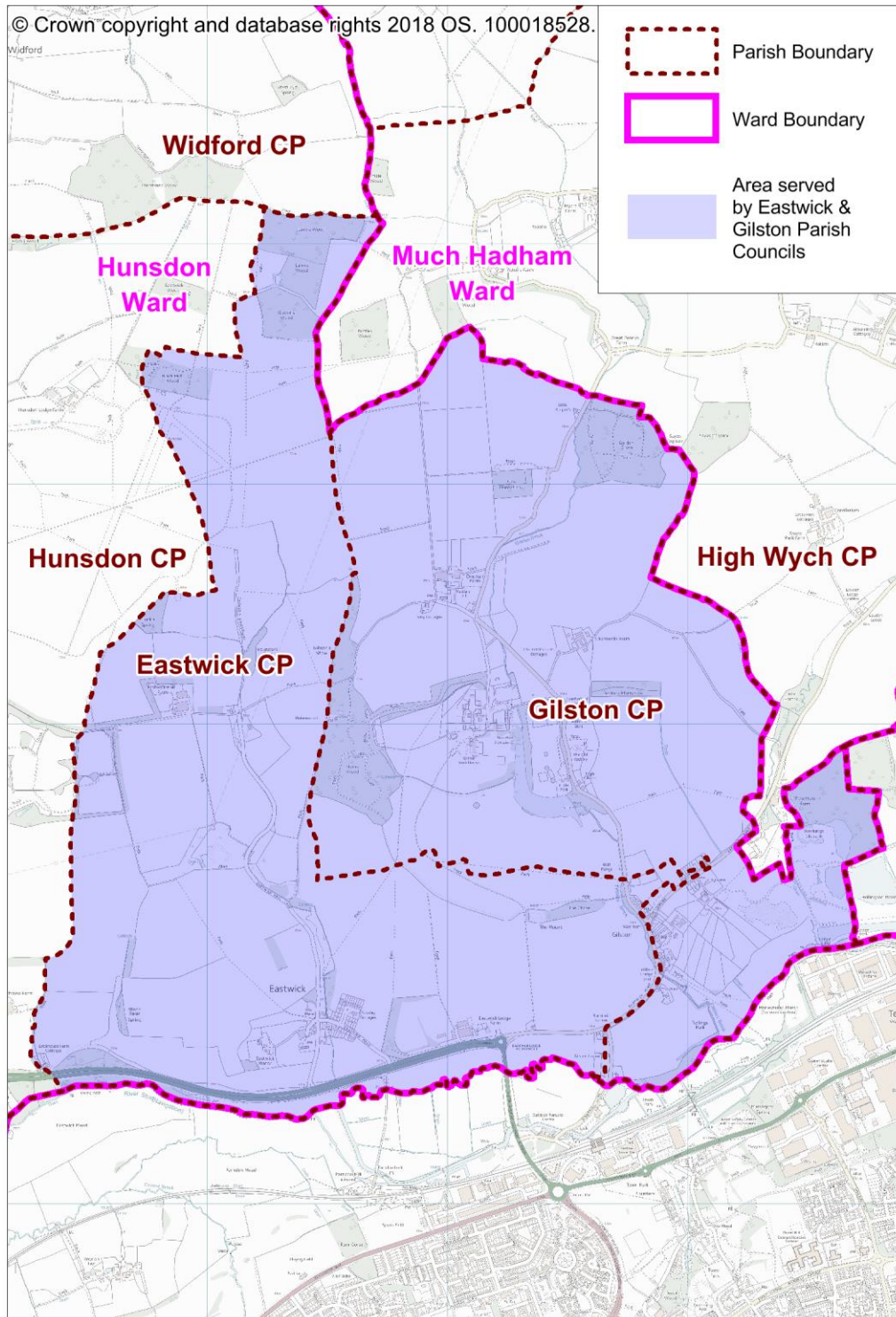
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APPENDIX 'A'

The plan below shows the area covered by Eastwick and Gilston Parish Council and within this the boundaries of Eastwick and Gilston parishes.



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EAST HERTS COUNCIL

COUNCIL – 17 OCTOBER 2018

REPORT BY HEAD OF LEGAL AND DEMOCRATIC SERVICES

REVIEW OF THE ALLOCATION OF SEATS ON COMMITTEES

WARD(S) AFFECTED: All

-
- **Following the Watton-at-Stone by-election, Council is required to review the allocation of seats on committees.**

<u>RECOMMENDATIONS:</u> That:	
(A)	the allocation of seats on committees, as now detailed, be approved; and
(B)	the wishes of the political group in respect of the appointment to the vacant seat on Overview and Scrutiny Committee be noted.

1.0 Background

1.1 Following the Watton-at-Stone by-election, at which Sophie Bell (Liberal Democrat) was elected, Council is required to review the allocation of seats on committees.

1.2 In May 2018, Council had approved the current allocation of seats on the following basis:

Conservative Group	69
Vacancy	1

1.3 The vacant seat was left on Overview and Scrutiny Committee, pending the outcome of the by-election.

2.0 Political Groups

2.1 Where Members of the Council are divided into political groups, the provisions of the Local Government and Housing Act 1989 place a duty on the Council to review the allocation between those groups of seats on its Scrutiny Committees, Regulatory Committees and Joint Committees according to certain principles. The aim is to ensure that the political composition of the Committees, etc, reflects the composition of the Council. The rules of proportionality do not apply to the Executive.

2.2 These rules specifically refer to proportionality between political groups. Therefore, a sole Member has no entitlement to any seats under the rules of proportionality.

2.3 In East Herts, one political group has been constituted as follows:

Conservatives	45
---------------	----

This group is entitled to a proportion of seats in relation to their relative percentage size. It is for Council to appoint Members to the seats in accordance with the wishes of the political group to whom they have been allocated.

2.4 There are also four sole independent Members and now one Liberal Democrat Member. As stated above, sole Members not in a group have no entitlement to any seats. However, Council may allocate seats to individual Members if it so wishes.

2.5 Council is invited to allocate the vacant seat to the Conservative Group. The Leader of the Conservative Group has indicated the Group's wish that Councillor M McMullen is appointed to fill the vacancy on Overview and Scrutiny Committee.

3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

None

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Report Author: Martin Ibrahim, Democratic Services Team Leader

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ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives:	The proposals set out in this report will support all of the Council's corporate objectives.
Consultation:	The appropriate consultation with the sole Group Leader has taken place.
Legal:	The proposals set out in this report accord with the statutory provisions for reviewing the allocation of seats on committees.
Financial:	None
Human Resource:	None
Risk Management:	The Council needs to establish a robust and clear decision-making structure to enable it to function effectively and make decisions in an expeditious manner which is accountable to the electorate.
Health and wellbeing-issues and impacts	None
Equality Impact Assessment required?	No

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MINUTES OF A MEETING OF THE
LICENSING COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON WEDNESDAY 14 MARCH
2018, AT 7.00 PM

PRESENT: Councillor D Andrews (Chairman)
Councillors P Ballam, R Brunton,
Mrs R Cheswright, G Cutting, B Deering,
J Jones, M McMullen, T Page and
N Symonds

ALSO PRESENT:

Councillors P Ruffles

OFFICERS IN ATTENDANCE:

Simon Aley	- Interim Legal Services Manager
Jonathan Geall	- Head of Housing and Health
Peter Mannings	- Democratic Services Officer
Oliver Rawlings	- Service Manager (Licensing and Enforcement)

400 APOLOGIES

Apologies for Absence were submitted on behalf of
Councillors R Standley and J Taylor.

401 CHAIRMAN'S ANNOUNCEMENTS

The Chairman introduced and welcomed Robin Trevillion from Hertfordshire County Council (HCC) Public Health to the meeting.

402 MINUTES - 15 NOVEMBER 2017

RESOLVED – that the Minutes of the meeting held on 15 November 2017, be confirmed as a correct record and signed by the Chairman, subject to the addition of the word ‘terminals’ at the end of the 1st sentence in the 8th paragraph in Minute 252 - Licensing Activity Quarter 1 And Quarter 2 Of 2017.

403 LICENSING SUB-COMMITTEE - 27 NOVEMBER 2017

RESOLVED – that the Minutes of the Licensing Sub-Committee meetings held on 27 November 2017, be received.

404 PRESENTATION - THE IMPACT OF ALCOHOL MISUSE ON THE NHS

Robin Trevillion (Public Health – Health Protection and Resilience) at Hertfordshire County Council gave a presentation covering the impact of Alcohol Misuse on the NHS. He referred to a shift in behaviour with younger people drinking less and in particular less binge drinking. Members were advised that a more pressing issue was the significant amount of home drinking taking place.

Councillor G Cutting commented on the impact of anti-social behaviour on the health service and police. He commented on the need to address the sale of alcohol to youngsters by supermarkets and independent retailers.

Robin Trevillion stated that surveys had been distributed to doctors' surgeries and to pharmacies to get an insight into people's drinking habits. Councillor P Ballam questioned the honesty of the answers people gave when completing such surveys.

Members were advised of the £11 billion annual crime and disorder cost of dealing with alcohol related harm. The NHS faced an annual bill of £3.5 billion relating to harm resulting from alcohol consumption. Robin Trevillion commented on the health impacts of alcohol and referred to the increased risks of various conditions such as cancer.

Robin Trevillion concluded that East Herts had the lowest figure for hospital admissions for alcohol related conditions for all ages in Hertfordshire. Councillor T Page questioned why East Herts was doing so well.

Robin Trevillion emphasised that sales of alcohol as an average per person were lower than the national average in East Herts and also lower than Hertfordshire generally. East Herts also compared favourably to other similar local authority areas. He responded in detail to a wide range of questions from the Committee. Members received the presentation.

RESOLVED – that the presentation be received.

405 NIGHT TIME ECONOMY POSITION STATEMENT

The Head of Housing and Health submitted a report inviting Members to consider the draft position statement entitled 'Licensing Decision Making relating to the Night Time Economy'. The Head commented on ward Members being notified of licensing applications being made in their respective wards.

Members were advised that the position statement would make it clearer to responsible authorities how they could input into the decision making process. The Head reminded the Committee that the licensing regime was heavily governed by legislation and in particular by the four licensing objectives.

Members were also advised that the intention was to empower those who wished to make representations to the Authority on licensing matters. The Head commented on the importance of liaising with Town and Parish Councils.

Various Members referred to specific concerns they had with particular premises. The Head reminded Members that any concerns had to relate back to the four licensing objectives. The Chairman referred to the weight that could be attached to the evidence presented to the Licensing Sub-Committee.

Following comments from Councillor B Deering and the Committee Chairman regarding the website and statutory publicity, the Head advised that the Authority

was publicising applications for licensable activity and other relevant information in a number of ways in addition to what is required to meet statutory obligations. The Committee received the report.

RESOLVED – that the wording of the draft position statement be agreed and the need for public consultation be noted.

406 PROPOSED CHANGES TO EAST HERTS COUNCIL HACKNEY CARRIAGE AND PRIVATE HIRE FEES

The Head of Housing and Health submitted a report inviting Members to consider consultation responses to the revised Taxi Licensing fees and charges for the 2018/19 financial year.

The Service Manager (Licensing and Enforcement) reminded Members that East Herts Council had not varied taxi licensing fees since 2013. He referred Members to Essential Reference Paper 'B' for the current 2017/18 fees and Essential Reference Paper 'C' for the proposed 2018/19 fees.

The Service Manager confirmed to Councillor J Jones why Officers were suggesting a reduction in the fee for a new 1 year private hire application. Members were reminded that it would be unlawful to charge more than cost recovery to ensure that the Authority was not open to challenge in the form of judicial review.

The Service Manager advised that East Herts was about average in Hertfordshire in respect of the current Hackney Carriage and Private Hire Fees.

Members received the report.

RESOLVED – that (A) the proposed fees for 2018/19 be considered in the light of the consultation responses; and

(B) the schedule of taxi fees and charges for 2018/19, included in Essential Reference Paper B of the report submitted, be recommended to the Head of Strategic Finance and Property for approval.

407 PROPOSED CHANGES TO EAST HERTS COUNCIL HACKNEY CARRIAGE FARES TARIFF

The Head of Housing and Health submitted a report inviting Members to consider the proposal to change the fares tariff that might be charged by East Herts Licensed Hackney Carriages.

The Service Manager (Licensing and Enforcement) referred to table of fares and the requirement that the meter had to be used in the District. A fee less than that displayed by the meter could be charged in a Hackney Carriage. Journeys that were outside of the District could also be subject to different agreed fares between the taxi driver and a passenger.

The Service Manager referred to the statutory framework for taxi licensing and commented that the taxi trade in East Herts had been asked for an opinion regarding a potential variation to the table of fares.

The proposed 10 % increase in the flag fare would go

before Executive for a decision on 24th April 2018. The consultation on the variation to the table of fares would last for 14 days between 26 April and 10 May 2018. If thereafter, no objections were received then the new table of fares would come into effect on 11 May 2018.

Members were advised that, if during the consultation, objections were received then these would be considered by Executive on 12 June 2018. At this meeting, the final table of fares would be set to come into effect on 13 June 2018.

The Service Manager advised that the proposal would be to review the fares again six months after any variation came into force and then to instigate an annual review. This did not guarantee an increase on every occasion but ensured that the fares are reviewed regularly. Members received the report.

RESOLVED – that (A) the proposed variation to the table of fares listed in paragraph 2.8 of the report submitted and the requirement for consultation be noted; and

(B) that the proposed variation to the table of fares be recommended to the Executive for approval before the consultation commences.

408 REPORT ON LICENSING ACTIVITY QUARTER 3 OF 2017/18
FINANCIAL YEAR

The Head of Housing and Health submitted a report updating Members in relation to statistics on

processing licences, enforcement activity and implementation of the Service Plan for Quarter 3 of the 2017/18 financial year. The Service Manager (Licensing and Enforcement) provided a summary of the report and referred to Essential Reference Papers 'B' and 'C' regarding licensing data for the relevant period.

The Service Manager referred in particular, to a number of cases involving taxi drivers that were going through the appeals process with the magistrate's court and the crown court where Officers had challenged the decisions of the magistrate's court. Members were advised of the praise received for the Council's Licensing Officers from the police following the results of recent legal proceedings.

The Chairman thanked Officers for their efforts in pursuing Taxi Licensing enforcement activity. Councillor J Jones referred to most decisions regarding taxi drivers being made by the Head of Housing and Health in consultation with the Chairman of Licensing Committee. Members asked whether details of court cases could be circulated to the Licensing Committee.

The Head of Housing and Health confirmed that cases were publicised by Officers where appropriate. Officers confirmed to Councillor T Page that all Gambling establishments would be visited by Officers. The Committee received the report.

RESOLVED – that the report be received.

The meeting closed at 8.55 pm

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 20 JUNE 2018, AT 7.00 PM

PRESENT: Councillor T Page (Chairman)
Councillors M Allen, D Andrews, P Boylan,
R Brunton, S Bull, M Casey, B Deering,
J Jones, D Oldridge, P Ruffles and T Stowe

ALSO PRESENT:

Councillors D Abbott, E Buckmaster,
G Cutting, J Goodeve, G Jones, P Moore,
S Rutland-Barsby, M Stevenson,
N Symonds and J Wyllie

OFFICERS IN ATTENDANCE:

Simon Aley	- Interim Legal Services Manager
Tracy Clarke	- Chartered Arboriculturist
Fiona Dunning	- Planning Officer
Peter Mannings	- Democratic Services Officer
David Snell	- Senior Planning Officer
Kevin Steptoe	- Head of Planning and Building Control Services

60 APOLOGY

An apology for absence was submitted on behalf of Councillor K Warnell. It was noted that Councillor D Oldridge was substituting for Councillor K Warnell.

61 DECLARATIONS OF INTEREST

Councillor T Page declared a non-pecuniary interest in application 3/18/0432/FUL, on the grounds that he was a Member of Bishop's Stortford Town Council. He stated that he had been advised he could remain in the room in his usual role as Chairman.

Councillor B Deering declared a non-pecuniary interest in application 3/18/0432/FUL, on the grounds that he was a Member of Hertfordshire County Council for the Hertford Saint Andrews division.

62 MINUTES - 23 MAY 2018

Councillor J Jones proposed and Councillor S Bull seconded, a motion that the Minutes of the meeting held on 23 May 2018 be confirmed as a correct record and signed by the Chairman. After being put to the meeting and a vote taken, this motion was declared CARRIED.

RESOLVED – that the Minutes of the meeting held on 23 May 2018, be confirmed as a correct record and signed by the Chairman.

- 63 3/18/0432/FUL - ERECTION OF MULTI STOREY CAR PARK (MSCP) OVER SIX LEVELS PROVIDING 546 SPACES, OPEN AIR SURFACE CAR PARKING FOR 35 SPACES TO THE NORTH OF THE CAR PARK. ERECTION OF A 4 STOREY BUILDING WITH COMMERCIAL USE AT GROUND FLOOR AND 15 RESIDENTIAL FLATS ARRANGED OVER THE UPPER 3 LEVELS, A MULTI-USE GAMES AREA (MUGA) AND ASSOCIATED HIGHWAY AND PUBLIC REALM WORKS. REMOVAL OF FENCE AND RETAINING WALL AT EHDC CAR PARK, NORTHGATE END, BISHOP'S STORTFORD CM23 2ET FOR EAST HERTS COUNCIL
-

The Head of Planning and Building Control recommended that in respect of application 3/18/0432/FUL, subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), planning permission be granted subject to the conditions detailed in the report now submitted.

The Head referred to the additional representations summary and detailed the relevant additional commentary. The Head summarised the findings in respect of readings that been taken regarding background noise levels. Members were also advised that a 543 signature objecting petition had been submitted.

The Head detailed the background to the application and summarised the main objections. The Head referred Members to pages 53 – 79 of the report submitted for the main issues. The Head confirmed that Officers considered that the harmful impacts of the development were outweighed by the benefits.

Mr Kratz and Mr Evans addressed the Committee in objection to the application. Mr Fannon spoke for the application. Councillor J Wyllie addressed the Committee on behalf of Bishop's Stortford Town Council. Councillor D Abbott addressed the Committee as a local ward Member.

Councillor D Oldridge commented on the lack of lighting for the Multi-Use Games Area (MUGA) and the opening hours of the car park. He queried the status of the land in terms of whether this was green belt or a brownfield site.

Councillor M Casey commented on the sequence of events in respect of development of Old River Lane should this application be approved. Councillor B Deering also referred to the enabling role of this application in the context of wider development proposals. He queried the enabling role of this application when the details of the application for Old River Lane were not known. Councillor J Jones posed a number of questions in respect of the proposed MUGA in terms of management, acoustic fencing and hours of use.

Councillors R Brunton and P Boylan commented that the proposed affordable housing provision should be more in keeping with the Council's policies, given that the Authority was the applicant. Councillor P Boylan queried whether the amendments referred to by the Landscape Advisor in paragraph 8.54 of the report had been made. He failed to see how the application would protect or enhance the conservation area and

he felt that the proposed electric charging facilities were insufficient.

The Head referred to the Bishop's Stortford Town Centre Planning Framework in respect of the vitality and viability of the Town. Members were advised that this document could be given weight in decision making and this included the aspiration for the future comprehensive redevelopment of the site known as Old River Lane.

The Head confirmed that the parking currently in place at The Causeway would need to be relocated if the site at Old River Lane was to be available for a mixed use redevelopment including an Arts Centre type venue. Members could give the aspiration of the applicant, in this case the Council, to achieve redevelopment of the Old River Lane site weight in decision making even though full details of those proposals were not currently available.

The Head confirmed that it was completely acceptable for the Authority to act as both the applicant and the decision maker on a planning application. He stated that Officers separate to those in the planning service, had formulated the proposals and Planning Officers had provided advice through its normal working relationship with applicants.

Members were advised that condition 40 in the report now submitted restricted the hours of use of the car park to 7 am to 11 pm to minimise the impact on nearby residents. The Head also referred to the conditions intended to mitigate the impact of the

MUGA.

Members were advised that the only aspect of the development that would encroach into the green belt was the turn left lane exiting from the car park. The Head referred to the social housing and the likelihood that the application would be unviable with a provision of 40% affordable housing, or indeed, a level lower than 20%.

The Head confirmed that the applicant had explored ways to minimise the impact of the proposed development by proposing high quality materials that fitted into the landscape and surrounding area. The proposed car park would not be open sided and it was intended that 20 electric charging points would be made available.

Councillor D Andrews commented on the proposed MUGA in the context that there was already an adequate games area in the form of a well utilised field. He believed that more electric charging stations should be included and he sought clarity in respect of the affordable housing.

Members were advised that up to 40% affordable housing was sought wherever possible and an independent viability assessment had been carried out on behalf of the Council as Local Planning Authority. This had indicated however, that this discrete scheme was unviable with anything more than 0% provision. Members were advised however, that the applicant had acknowledged the Council's aspirations and had offered 20% affordable housing provision.

The Head confirmed that it would not be unreasonable to ask for more information to be submitted and agreed in respect of infrastructure for more charging points for electric vehicles and this could be covered by conditions.

The Head commented on the policy positions in respect of sustainable transport and the accessibility of pedestrian controlled crossings. He also referred to the noise assessments carried out in respect of this application. The Interim Legal Services Manager commented on a number of matters, currently proposed to be included in a Section 106 agreement, that, could be converted to conditions based on recent advice from the planning inspectorate.

Councillor B Deering proposed and Councillor M Allen seconded, a motion that in respect of application 3/18/0432/FUL, planning permission be deferred to enable Officers to seek further information from the applicant in relation to the following matters:

- the provision of Affordable Housing;
- noise assessment matters;
- the specification of the proposed MUGA;
- the extent of provision of electric vehicle charging points to be installed;
- the proposed hours of use of the car park;
- the scale of pedestrian movements to and from the proposed car park and how they will be accommodated in relation to crossing Link Road; and
- the relationship of the proposals to wider

development proposals of land to the south of Link Road (Old River Lane).

After being put to the meeting and a vote taken, there being an equality of votes, this motion was declared CARRIED on the Chairman's casting vote. The Committee rejected the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application 3/18/0432/FUL, planning permission be deferred to enable Officers to seek further information from the applicant in relation to the following matters:

- the provision of Affordable Housing;
- noise assessment matters;
- the specification of the proposed MUGA;
- the extent of provision of electric vehicle charging points to be installed;
- the proposed hours of use of the car park;
- the scale of pedestrian movements to and from the proposed car park and how they will be accommodated in relation to crossing Link Road; and
- the relationship of the proposals to wider development proposals of land to the south of Link Road (Old River Lane).

64 3/17/0645/FUL - DEMOLITION OF EXISTING BUILDINGS AND CREATION OF 51 DWELLINGS, COMPRISING 2NO. THREE BEDROOM HOUSES AND 49 NO. 2 BEDROOM APARTMENTS, ASSOCIATED ROADS, CAR PARKING AND LANDSCAPING, PLUS VEHICLE ACCESS FROM WARE ROAD AND A NEW AREA OF PUBLIC OPEN SPACE OFF HAMELS DRIVE AT 306-310 WARE ROAD, HERTFORD, SG13 7ER

The Head of Planning and Building Control recommended that in respect of application 3/17/0645/FUL, subject to a legal agreement, planning permission be granted subject to the conditions detailed in the report now submitted.

The Head detailed the additional representations and advised that the condition 20 should be deleted as a landscaping scheme had now been submitted. Condition 18 should also be deleted and replaced with 3 new conditions as requested by Hertfordshire Ecology.

The Head confirmed that the application had been significantly amended to reduce the number of units from 64 to 51 whilst increasing the proposed parking provision. Members were referred in particular to paragraphs 8.12 to 8.17 of the report submitted. The Head also referred to the highways impact, parking provision as well as cycle and pedestrian route improvements.

Mr Stevenson addressed the Committee in objection to the application. Mr Smith spoke for the application. Councillors J Goodeve and M Stevenson both addressed the Committee as local ward Members.

Councillor D Oldridge stated that he appreciated that there had been a lot of potential concerns regarding traffic on Ware Road. He commented however, that he had also heard a number of positive things in respect of the proposed development. He referred to the 52 cycle storage spaces and 39.2% affordable housing and emphasised that Hertfordshire Highways appeared to be satisfied with the traffic situation.

Councillor D Andrews bemoaned the loss of an employment site. He commented however, that residential development seemed to be perfectly sensible seeing as the location seemed to have run its course as an employment use. The site also seemed to be very sustainable due to the 20 minute walkable proximity of Ware train station which was not too onerous weather permitting.

Councillor D Andrews emphasised that Councillor D Oldridge had made the point about double lines but these had the side effect of displacing car parking problems elsewhere. He expressed concerns that the NHS had no apparent interest in securing any funding for healthcare provision in respect of the proposed development.

Councillor P Ruffles proposed and Councillor P Boylan seconded, a motion that in respect of application 3/17/0645/FUL, the Committee support the recommendation for approval subject to the amended conditions now detailed.

After being put to the meeting and a vote taken, this

motion was declared CARRIED. The Committee accepted the recommendation of the Head of Planning and Building Control as now submitted, subject to the amended conditions now detailed.

RESOLVED – that in respect of application 3/17/0645/FUL, planning permission be granted subject to a legal agreement and the following amended conditions:

- 1 Three year time limit (1T12)
- 2 Approved plans (2E10)
- 3 Levels (2E05)
- 4 Boundary walls and fences (2E10)
- 5 Samples of materials (2E12)
- 6 Lighting details (2E27)
- 7 Communal TV facilities (2E28)
- 8 Cycle parking facilities (2E29)
- 9 Contaminated land survey and remediation (2E33)
- 10 Hard surfacing (3V21)
- 11 The development shall not be occupied until details of a Travel Plan for the development as a whole has been submitted to and

agreed in writing by the Local Planning Authority. The plan shall make provision for relevant surveys, review and monitoring mechanisms, targets, further mitigation, timescales, phasing programme and on-site management responsibilities. It shall be implemented and subject to regular review in accordance with the above approved details.

Reason: To ensure that the development traffic is within the predicted levels in TA, to promote sustainable transport measures and maintain the free and safe flow of traffic.

- 12 Before the commencement of development hereby approved, all access and junction arrangements shall be completed in accordance with the approved plans, and constructed to the specification of the Highway Authority and to the satisfaction of the Local Planning Authority. Concurrent with the construction of the access, visibility splays of a minimum of 2.4m x 45m (left) and 2.4m x 49m (right) shall be provided and permanently maintained within which there shall be no obstruction to visibility between 600mm and 2m above carriageway level.

Reason: To ensure that the access is constructed to the specification of the Highway Authority and to provide adequate

visibility splays in the interests of highway safety.

- 13 Prior to first occupation of the development hereby approved, the access roads and parking areas shown on the approved plans shall be provided and permanently maintained.

Reason: To ensure adequate provision of parking in accordance with Policy TR7 of the East Herts Local Plan April 2007.

- 14 Access gradient 1 in 20 (3V12)
- 15 Existing access closure (3V05)
- 16 Prior to the commencement of development hereby approved, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall identify details of:
 - Phasing of the development;
 - Methods of accessing the site;
 - Construction vehicle routing and numbers;
 - Location and details of wheel washing facilities;
 - Details of parking and storage areas clear of the highway;
 - Environmental management details including hours of working, the

mitigation of noise and dust and any other matters covered under BS5228.

The development shall thereafter be implemented in accordance with the approved details.

Reason: To minimise the impact of construction on the highway network, neighbouring occupiers and the environment.

- 17 No development shall take place until a detailed drainage strategy has been submitted to and approved in writing by the local planning authority. The scheme shall include:
- Resilient final drainage strategy shown on a drawing overlaid to the final layout and supported by the detailed drainage calculations carried out for all rainfall events up to and including the 1 in 100 year event + climate change.
 - The location, extent and depth of any informal flooding of the site above 1 in 30 year rainfall event shown on a layout plan to confirm they are safely contained within the site. In addition any exceedance routes proposed for flood management on the site should be also shown on the final plan.
 - Full detailed engineering drawings of all the proposed SuDS measures in line

with the latest edition of the SuDS Manual by CIRIA

- A management and maintenance plan for the all the SuDS features and structure must be submitted and shall include arrangements to secure the operation of the scheme throughout its lifetime. It shall be supported by a full set of as-built drawings, a post-construction location plan of the SuDS components cross-referenced with a maintenance diagram.

The development shall thereafter be implemented in accordance with the approved details before the development is completed.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water.

- 18 No above ground development shall take place until a scheme for protecting the proposed dwellings from noise from road traffic has been submitted to and approved in writing by the Local Planning Authority. The scheme shall follow the recommendations of the Grant Acoustics report ref: GA-2016-0013-R1-RevB dated 24th May 2017. The development shall thereafter be implemented in accordance with the approved details.

Reason: To safeguard the amenity of future occupiers in accordance with Policy ENV25 of the East Herts Local Plan April 2007.

- 19 Landscape works implementation (4P13)
- 20 Piling works (2E39)
- 21 Prior to the commencement of above ground development, a Biodiversity Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall detail measures to incorporate biodiversity enhancements as part of the development such as bat, bird and other habitat boxes or integrated units. The approved details shall thereafter be implemented and maintained.

Reason: To secure biodiversity enhancements in accordance with Policy ENV17 of the East Herts Local Plan April 2007.

- 22 Prior to the commencement of development (including further site clearance), a badger walk-over survey of the site and any accessible area within 30 metres of the site shall be carried out by a suitably qualified ecologist, and details including an assessment of the impact of the development and any appropriate mitigation measures to alleviate such impacts shall be submitted to and approved

in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To safeguard protected species during construction in accordance with Policy ENV16 of the East Herts Local Plan Second Review April 2007 and national legislation.

- 23 Prior to the clearance of any suitable reptile habitat on the site (grassland and scrub), a presence/likely absence reptile survey shall be carried out between late March and September (inclusive) by a suitably qualified ecologist. A report of the findings, including a suitable mitigation strategy and named receptor site if required should reptiles be found, shall be submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To safeguard species during construction in accordance with Policies ENV16 and ENV17 of the East Herts Local Plan Second Review April 2007 and national legislation.

Informatives

1. Other legislation (OL01)

2. Street naming and numbering (19SN)
3. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission does not provide a defence against prosecution under this Act.
4. The applicant is advised that in order to comply with this permission it will be necessary to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements.

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The balance of the considerations having regard to those policies is that permission should be granted.

65 3/17/1861/FUL - CONSTRUCTION OF SEVENTEEN
B1(BUSINESS) USE CLASS UNITS WITH ASSOCIATED
PARKING AND ACCESS ROADS AT WATERMILL INDUSTRIAL
ESTATE, ASPENDEN ROAD, BUNTINGFORD

The Head of Planning and Building Control recommended that in respect of application 3/17/1861/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

The Head referred to a petition objecting to the application where no grounds of objection had been detailed. Councillor P Boylan referred to damage to the access road to the recycling site in the form of potholes. He felt that there should be a resolution to this issue as the road would get progressively worse and worse. He also commented on the outcome of the receipt of a revised drainage strategy.

Councillor S Bull welcomed the application for B1 business use class units and he hoped that they would be taken up. He expressed concerns about the potholes near the amenity tip. He also referred to the significant 15 foot drop in ground level to the river and the pavement was narrow and dangerous for pedestrians.

Councillor J Jones commented on the planning history on the widening of Aspenden Road and upgrading of internal roads and a contribution towards a community bus. He felt that whilst the applicant here could not be asked to fund improvements to Aspenden

Road, the applicant should be responsible for the upkeep of the wider road network within the Watermill Industrial Estate.

Councillor D Andrews referred to the access road as unsafe. He felt that supporting this application with the access road in its current state was untenable. He referred to the potential for 120 vehicle movements per day.

The Head referred to condition 10 and the requirements of the Lead Local Flood Authority (LLFA). Members were advised that a condition to secure the management of the area to the north of the proposed units would be acceptable. The Head and the Interim Legal Services Manager responded to queries from Members regarding the viability tests for conditions regarding the resurfacing of internal roads within this site.

Councillor J Jones proposed and Councillor M Casey seconded, a motion that in respect of application 3/17/1861/FUL, the Committee support the recommendation for approval subject to the conditions detailed in the report submitted and subject to the access road though the Watermill Industrial Estate from the junction with Aspenden Road being repaired and surfaced to a satisfactory standard and prior to first occupation of the development, a management plan for the treatment and maintenance of the undeveloped land to the north of the new buildings and the car parking area shall be submitted to and approved in writing by the Local Planning Authority.

After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee accepted the recommendation of the Head of Planning and Building Control as now submitted, subject to the conditions detailed in the report submitted and the two additional conditions now detailed.

RESOLVED – that in respect of application 3/17/1861/FUL, planning permission be granted subject to the conditions detailed in the report submitted and the following two additional conditions:

23. Prior to first occupation of the development hereby approved the access road though the Watermill Industrial Estate from the junction with Aspenden Road to the application shall be repaired and surfaced to a satisfactory standard in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of securing safe and secure access to the site in accordance with paragraph 32 of The National Planning Policy Framework.

24. Prior to first occupation of the development hereby approved a management plan for the treatment and maintenance of the undeveloped land to the north of the new buildings and car park shall be submitted to

and approved in writing by the Local Planning Authority. Thereafter the land shall be treated and maintained in accordance with the approved management plan.

Reason: To achieve good design and a sustainable form of development in accordance with Policy ENV1 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.

- 66 A) 3/18/0297/HH - GROUND FLOOR AND BASEMENT EXTENSION TO SIDE AND REAR OF EXISTING DWELLING FOLLOWING DEMOLITION OF OUTBUILDINGS AND REPLACEMENT OF EXISTING RETAINING WALL; AND B) 3/18/0298/LBC - GROUND FLOOR AND BASEMENT EXTENSION TO SIDE AND REAR OF EXISTING DWELLING FOLLOWING DEMOLITION OF OUTBUILDINGS AND REPLACEMENT OF EXISTING RETAINING WALL AT TOLLGATE HOUSE, AMWELL HILL, GREAT AMWELL, WARE, SG12 9QZ
-

The Head of Planning and Building Control recommended that in respect of application 3/18/0297/HH, planning permission be refused for the reasons detailed in the report now submitted. The Head also recommended that in respect of application 3/18/0298/LBC, listed building consent be granted subject to the conditions detailed in the report now submitted.

The Head summarised the applications for planning permission and listed building consent. The planning

application included an element on underground works as well as conventional above ground development that would replace existing development elsewhere on the site.

He indicated that Members should consider whether the proposed additional floor space represented a disproportionate development over and above the size of the original property in the green belt. The Head confirmed that, if this was the case, the benefits of the proposals had to clearly outweigh the harm for it to be supported in a green belt location.

Members were advised that there would be no wider public benefits of the proposed development and Officers did not feel that very special circumstances were demonstrated as a result.

Members were advised that the main issue in respect of the listed building application was the impact on the historic architectural integrity of the building. Officers felt that the listed building application was acceptable and had recommended it for approval.

Jennifer Smith addressed the Committee in support of both applications and in particular, highlighted a discrepancy on the plans and calculations. The Head of Planning and Building Control accepted that this warranted further investigation away from this meeting.

Councillor D Oldridge proposed and Councillor D Andrews seconded, a motion that in respect of applications 3/18/0297/FUL and 3/18/0298/LBC,

planning permission and listed building consent be deferred to enable Officers to further check the size and scale of the proposals with the applicant.

After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee rejected the recommendations of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of applications 3/18/0297/HH and 3/18/0298/LBC, planning permission and listed building consent be deferred to enable Officers to further check the size and scale of the proposals with the applicant.

At this point (9.45 pm), the Committee passed a resolution that the meeting should continue until the completion of the remaining business on the agenda.

67 3/18/0169/FUL - DEMOLITION OF EXISTING STABLE BLOCK AND CONSTRUCTION OF A DETACHED TWO STOREY DWELLING AT LAND ADJACENT TO THE ORCHARD, HALL LANE, GREAT HORMEAD, SE9 0NZ FOR MR AND MRS QUINNEY

The Head of Planning and Building Control recommended that in respect of application 3/18/0169/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

Kevin Hinds addressed the Committee in support of the application.

Councillor S Bull proposed and Councillor D Andrews seconded, a motion that in respect of application 3/18/0169/FUL, the Committee support the recommendation for approval as detailed in the report now submitted.

After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee accepted the recommendation of the Head of Planning and Building Control as detailed in the report now submitted.

RESOLVED – that in respect of application 3/18/0169/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

68 CONFIRMATION OF TREE PRESERVATION ORDER NO.1 2018 P/TPO 611 AT ST ANDREWS C OF E JMI SCHOOL, TOWER HILL, MUCH HADHAM, HERTS, SG10 6BZ

The Executive Member for Development Management and Council Support submitted a report inviting Members to consider the objections to the making of the Tree Preservation Order (TPO) received by Mr and Mrs Devonshire who were the neighbours residing at the adjacent property to the school at Schuberts, Tower Hill, Much Hadham, SG10 6DL.

Members were asked to consider the objections and reasons for making the TPO and to determine whether Tree Preservation Order No. 1 2018 P/TPO 611 should be confirmed.

The Consultant Chartered Arboriculturist stated that an application had been made to heavily crown reduce an oak tree to the rear of the school. She felt that this would excessively harm the health of what was quite a substantial tree which was in good health and would have a significant contribution to the area going forward.

Members were advised that the residents' concerns could be addressed via pruning and an application had been received and approved for pruning and crown reduction of the oak tree.

Councillor D Allen proposed and Councillor D Oldridge seconded, a motion that the Tree Preservation Order No.1 2018 P/TPO 611 be confirmed. After being to the meeting and a vote taken, this motion was declared CARRIED. The Committee accepted the recommendation of the Executive Member for Development Management and Council Support as now submitted.

RESOLVED – that Tree Preservation Order No 1 2018 P/TPO 611 be confirmed without modification.

69 ITEMS FOR REPORTING AND NOTING

RESOLVED – that the following reports be noted:

- (A) Appeals against refusal of planning permission / non-determination;

- (B) Planning Appeals lodged;
- (C) Planning Appeals: Inquiry and Informal Hearing dates; and
- (D) Planning Statistics.

The meeting closed at 9.56 pm

Chairman
Date

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MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 18 JULY 2018, AT 7.00 PM

PRESENT: Councillor T Page (Chairman)
Councillors M Allen, D Andrews, P Ballam,
P Boylan, R Brunton, M Casey, B Deering,
J Jones, D Oldridge, P Ruffles and T Stowe

ALSO PRESENT:

Councillors G Cutting

OFFICERS IN ATTENDANCE:

Simon Aley	- Interim Legal Services Manager
Fiona Dunning	- Planning Officer
Thomas Howe	- Planning Student
Peter Mannings	- Democratic Services Officer
Kevin Steptoe	- Head of Planning and Building Control Services

104 APOLOGIES

Apologies for absence were submitted on behalf of Councillors S Bull and K Warnell. It was noted that Councillors P Ballam and D Oldridge were substituting for Councillors S Bull and K Warnell respectively.

105 CHAIRMAN'S ANNOUNCEMENTS

The Chairman stated that as the District Plan had taken further significant steps towards formal adoption, the weight that could be assigned to it had increased.

106 DECLARATIONS OF INTEREST

Councillor T Page declared a non-pecuniary interest in application 3/18/0432/FUL, on the grounds that he was a Member of Bishop's Stortford Town Council.

Councillor B Deering declared non-pecuniary interests in applications 3/18/0432/FUL and 3/17/1537/FUL, on the grounds that he was a Member of Hertfordshire County Council for the Hertford Saint Andrews division.

107 MINUTES - 20 JUNE 2018

Councillor T Page proposed and Councillor P Boylan seconded, a motion that the Minutes of the meeting held on 20 June 2018 be confirmed as a correct record and signed by the Chairman, subject to the following being added to the end of the first sentence in paragraph 11 of Minute 63:

'but opening hours were challenged in respect of night time economy provision'

After being put to the meeting and a vote taken, this motion was declared CARRIED.

RESOLVED – that the Minutes of the meeting

held on 20 June 2018, be confirmed as a correct record and signed by the Chairman, subject to the following being added to the end of the first sentence in paragraph 11 of Minute 63:

‘but opening hours were challenged in respect of night time economy provision’

- 108 3/18/0432/FUL - ERECTION OF MULTI STOREY CAR PARK (MSCP) OVER SIX LEVELS PROVIDING 546 SPACES, OPEN AIR SURFACE CAR PARKING FOR 27 SPACES TO THE NORTH OF THE CAR PARK. ERECTION OF A 4 STOREY BUILDING WITH COMMERCIAL USE AT GROUND FLOOR AND 15 RESIDENTIAL FLATS ARRANGED OVER THE UPPER 3 LEVELS, A MULTI-USE GAMES AREA (MUGA) AND ASSOCIATED HIGHWAY AND PUBLIC REALM WORKS. REMOVAL OF FENCE AND RETAINING WALL AT EHDC CAR PARK NORTHGATE END, BISHOP'S STORTFORD CM23 2ET

The Head of Planning and Building Control recommended that in respect of application 3/18/0432/FUL, subject to the conditions detailed in the report to the Committee on 20 June 2018 and the amendments and additions detailed in the report now submitted, planning permission be granted subject to the conditions now detailed.

The Head drew attention to the additional commentary detailed in the schedule of late representations. Members were referred in particular to comments of the Conservation Officer, Environmental Health, the HCC Property Services Officer and the Bishop's Stortford Civic Federation. The Head also referred to 37 additional objections

from neighbouring and local residents with some objectors having emailed Members directly.

The Head explained that the principal change was the changed orientation and enhanced size of the Multi Use Games Area (MUGA) which would now meet the specifications of Sports England and had been subject to a seven day consultation period.

Officers felt that, in order to protect the amenity of adjoining neighbours, a condition regarding lighting restrictions should remain contrary to the views of the HCC Property Services Officer. The applicant had increased the affordable housing offer to 6 units or 40% provision.

The Head referred to noise readings taken on site at the start of July 2018 and these readings had been compared to an overall summary that had been completed regarding background noise. The subsequent summary from the Environmental Health Officer had been submitted to Planning Officers and had been emailed to the Committee Members.

Members were advised that the matter of electrical charging points had been addressed at paragraph 2.9 on page 45 of the report submitted. The applicant had indicated that there was the ability to provide more charging points if demand were to increase in future. The Head drew Members' attention to the matter of pedestrian movements in reference to pages 46 and 47 of the report. There was no other significant new information that needed to be brought to the attention of the Committee regarding the conditions or the

recommendation.

Councillor M Casey commented on the viability assessment and the compromise of 20% affordable housing that had been offered previously. He queried what had changed to allow a revised offer of 40% affordable housing provision.

Councillors R Brunton and J Jones commented on policy in respect of affordable housing and sought clarification regarding low cost home ownership and whether this contributed to the 40% affordable housing provision.

Councillor P Boylan suggested that condition 31 be strengthened to reflect the dual nature of the 20 electric vehicle charging points. He was also pleased to hear that the technology was intended to be future proofed. He commented on the possibility of a condition to give a safety net against this car park being completed without the development of Old River Lane.

Councillor D Andrews referred to outstanding issues regarding the MUGA and commented on pedestrian movements to and from the proposed car park and the suggested times of peak demand of 12:45 to 13:00. Councillor M Allen referred to the impact of the application on pedestrian movements and Councillor D Oldridge commented on the revised location of the MUGA.

The Head confirmed that the applicant was willing to provide six affordable housing units to meet the

Council's target of up to 40% affordable housing even though this had been proven to be unviable. The units would be shared ownership rather than rented accommodation in the form of social housing. Condition 31 would be amended in respect of the 20 dual charging points.

The Head reminded the Committee that the applicant would have three years to implement this application should planning permission be approved. Members were advised that conditional arrangements between development sites would not be reasonable or appropriate in relation to the standard tests for conditions. Members were also not in a position to seek to exclude or include elements of an application with planning conditions.

The Interim Legal Services Manager reminded Members that their role was to determine applications and they should not seek to advise developers. Members were further advised that they could not seek to link this application to existing or future developments and they must determine what had been submitted by applicants.

The Head confirmed to Councillor B Deering that the noise issue had now benefited from a full and proper assessment. The noise readings had indicated that a level of noise mitigation was required in relation to Yew Tree Place. The Head detailed the findings of the noise assessment in terms of decibel levels and summarised the options available in terms of mitigation regarding the managed operation of the proposed car park.

Councillor D Oldridge was advised by Officers that the final formulation of the conditions could be and often was delegated to Officers in consultation with the Chairman and Vice-Chairman of the Committee plus local ward Members.

The Head referred to a point that had been raised by Councillor D Oldridge at the meeting of 20 June in relation to previously developed land. Further clarification was provided in relation to this matter.

Councillor D Andrews commented on the importance of the availability of infrastructure to support future demand for additional capacity for the charging of electric vehicles. He referred in particular to the cabling infrastructure capacity from the utility companies or the sub-station to satisfy the energy demands of the car park.

Councillor D Oldridge proposed and Councillor M Casey seconded, a motion that in respect of application 3/18/0432/FUL, planning permission be granted subject to the amended conditions now detailed and in relation to condition 14 (management arrangements for the MUGA), condition 31 (car parking management plan) and condition 39 (car parking operation hours), the details to be considered and approved, subject to consultation with the Chairman and Vice Chairman of the Committee and at least one local ward Member.

After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee

supported the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application 3/18/0432/FUL, planning permission be granted subject to the amended conditions now detailed and in relation to condition 14 (management arrangements for the MUGA), condition 31 (car parking management plan) and condition 39 (car parking operation hours), the details to be considered and approved subject to consultation with the Chairman and Vice Chairman of the Committee and at least one local ward Member.

Conditions

1. Time limit for implementation
2. Approved Plan numbers

Archaeology

3. No development shall take place within the proposed development site until the applicant, or their agents, or their successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to the planning authority and approved in writing. This condition will only be considered to be discharged when the planning authority has received and

approved an archaeological report of all the required archaeological works, and if appropriate, a commitment to publication has been made. The development shall be carried out in accordance with the details approved.

Reason: To secure the protection of and proper provision for any archaeological remains in accordance with policies BH2 and BH3 of the East Herts Local Plan Second Review April 2007 and policy HA3 of the East Herts District Plan pre-submission version, Nov 2016.

Contamination

4. 2E33 No development approved by this permission shall take place until a Phase 2 investigation report, as recommended by the previously submitted Socotec Uk Ltd Phase 1 Desk Study report dated February 2018 (Ref: H8019-18), has been submitted to and approved in writing by the Local Planning Authority. Where found to be necessary by the phase 2 report a remediation strategy to deal with the risks associated with contamination of the site shall also be submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include an options appraisal giving full details of the remediation measures required and how they are to be undertaken. The strategy

shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency action.

Reason: To minimise and prevent pollution of the land and the water environment and in accordance with national planning policy guidance set out in section 11 of the National Planning Policy Framework.

Waste Management

- 5 2E32 Before the development hereby permitted is commenced, details shall be submitted to and approved in writing by the Local Planning Authority of the measures to be taken in the design, construction decommissioning and demolition of the development to; re-use existing materials within the new development ; recycle waste materials for use on site and off; minimise the amount of waste generated; minimise the pollution potential of unavoidable waste; treat and dispose of the remaining waste in an environmentally acceptable manner; and to utilise secondary aggregates and construction and other materials with a recycled content. The measures shall be implemented in accordance with the approved details.

Reason: To accord with Hertfordshire Waste Core Strategy and Development

Management Policies DPD 2012.

Noise Attenuation – car park

- 6 No development shall take place until a scheme for protecting nearby noise sensitive receptors from noise arising from the car park use hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The scheme shall follow the recommendations identified in the Adnitt Acoustics Report Ref 2009/EBF/R1-C dated 29th May 2018 as supplemented by report ref 2009/EBF/R3 dated 10 July 2018. The use hereby permitted shall not commence until the scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

Reason: In order to ensure an adequate level of amenity for residents of the new dwellings in accordance with policies ENV1 and ENV25 of the East Herts Local Plan Second Review April 2007 and policy EQ2 of the East Herts District Plan pre-submission version, Nov 2016.

Noise Attenuation – MUGA

- 7 No development shall take place until a scheme for protecting nearby noise

sensitive receptors from noise arising from the Multi-Use Games Area (MUGA), access walkway and surface level car park has been submitted to and approved in writing by the Local Planning Authority. The scheme shall follow the recommendations identified in the Adnitt Acoustics Report Ref 2009/EBF/R1-C dated 29th May 2018. The use shall not commence until the scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

Reason: In order to ensure an adequate level of amenity for residents of the new dwellings in accordance with policies ENV1 and ENV25 of the East Herts Local Plan Second Review April 2007 and policy EQ2 of the East Herts District Plan pre-submission version, Nov 2016.

Construction Management Plan – pollution control

- 8 Prior to the commencement of the development, a detailed construction management plan shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:
 - a) The construction programme and phasing

- b) Hours of operation, delivery and storage of materials
- c) Details of any highway works necessary to enable construction to take place
- d) Parking and loading arrangements
- e) Details of hoarding
- f) Management of traffic to reduce congestion
- g) Control of dust and dirt on the public highway
- h) Details of consultation and complaint management with local businesses and neighbours
- i) Waste management proposals
- j) Mechanisms to deal with environmental impacts such as noise, air quality (including dust), light and odour.

Reason: In order to ensure an adequate level of amenity for residents in accordance with policies ENV1 and ENV25 of the East Herts Local Plan Second Review April 2007 and policy DES4 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

Landscape and Ecological Management Plan (LEMP)

- 9 No development shall take place until a Landscape and Ecological Management Plan (LEMP) addressing mitigation,

compensation and enhancement has been submitted to and approved in writing by the local planning authority. The LEMP shall include the following:

- a) Description and evaluation of features to be managed;
- b) Ecological constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule to undertake the works and provide appropriate long term maintenance (at least 5 years);
- g) Extent and location/area of proposed works on appropriate scale maps and plans;
- h) Details of the body or organisation responsible for implementation of the plan;
- i) Ongoing monitoring and remedial measures.

The LEMP shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.”

Reason: In order to ensure that the development enhances the ecological value of the site and adjoining area in accordance

with policies ENV15, ENV16 and ENV17 of the East Herts Local Plan Second Review April 2007 and policies DES3 and NE3 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

Air Quality

- 10 No development shall take place until a scheme for mitigating the impacts of the development on local Air Quality has been submitted to and approved in writing by the local planning authority. The scheme shall follow the recommendations identified in the Phlorum Air Quality Assessment report (Ref: 7801A AQ draft v1) dated February 2018. The scheme shall include a timetable for implementation of the approved mitigation measures and it shall be retained in accordance with those details thereafter.

Reason: In order to ensure an adequate level of amenity for residents of the new dwellings in accordance with policies ENV1 and ENV25 of the East Herts Local Plan Second Review April 2007 and policy EQ4 of the East Herts District Plan pre-submission version, Nov 2016.

SUDS

- 11 No development shall take place until the final design of the drainage scheme has

been submitted to, and approved in writing by, the local planning authority. The surface water drainage system will be based on the submitted the Flood Risk Assessment carried out by EAS reference 1524 dated February 2018 and the Drainage Strategy and SuDS Statement carried out by Elliot Wood reference 2170573 Rev P2 dated February 2018.

The scheme shall also include;

1. Detailed engineered drawings of the proposed SuDS features including their, location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance climate change event. The plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
2. Final design of the attenuation tank should incorporate silt traps and appropriate pollution prevention methods.
3. Details regarding any areas of informal flooding (events those exceeding 1 in 30 year rainfall event), this should be shown on a plan with estimated extents and depths.
4. Details of final exceedance routes, including those for an event which exceeds to 1:100 +

cc rainfall event based on details proposals for the opening and diversion of the Main River.

The development shall be carried out in accordance with the details approved.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with policy WAT5 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018..

External Lighting

- 12 2E27 Details of any external lighting proposed in connection with the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and no external lighting shall be provided without such written consent. The development shall then be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area, and in accordance with policy ENV23 of the East Herts Local Plan Second Review April 2007 and policy EQ3 of the East Herts District Plan pre-submission version, Nov 2016 .

No lighting for MUGA

- 13 Notwithstanding condition No. 12, no lighting is permitted on the Multi-use Games Area.

Reason: In the interests of the visual amenities of the area, and in accordance with policy ENV23 of the East Herts Local Plan Second Review April 2007 and policy EQ3 of the East Herts District Plan pre-submission version, Nov 2016.

Management plan for MUGA and grassland

- 14 No development shall take place until details have been submitted to and approved in writing by the local planning authority which set out how the access to the MUGA outside of the permitted of hours of use and the surrounding grassland at any time shall be controlled. The details shall include how the area will be secured from the surface car park but be accessible for ball retrieval and maintenance during operating hours. The development shall be carried out in accordance with the details agreed.

Reason: To safeguard the amenity of residents of nearby properties, in accordance with policies ENV1 and ENV24 of the East Herts Local Plan Second Review

April 2007 and policy DES4 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018..

Secured by Design

- 15 Prior to development commencing on site details shall be submitted to and approved in writing by the Local Planning Authority setting out how the development will meet the Secured by Design standards. Once approved, the development shall be constructed and operated as such.

Reason: To ensure the car park and residential developments have been designed to reduce the opportunity of crime in accordance with Policy ENV3 of East Herts Local Plan Second Review April 2007 and policy DES5 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

Details of deculverting

- 16 Prior to the commencement of development there shall be submitted to and approved in writing by the Local Planning authority a detailed design for the deculverting of the Old River Stort.. The deculverting works shall be fully implemented prior to occupation and in accordance with the timing / phasing

arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding on site and elsewhere by ensuring that an acceptable open-channel diversion of the Old River Stort is provided. In addition to increase the biodiversity of the site in accordance with policy NE3 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

- 17 All existing trees and hedges shall be retained, unless shown on the approved drawings as being removed. All trees and hedges on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the Local Planning Authority in accordance with BS5837: 2012 Trees in relation to design, demolition and construction, for the duration of the works on site and until at least five years following contractual practical completion of the approved development. In the event that trees or hedging become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree or hedging dies or is removed without the prior consent of the

Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

Reason: To ensure the continuity of amenity afforded by existing trees and hedges, in accordance with policies ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007 and policy DES3 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018..

Landscape details

- 18 All existing trees, shrubs, natural and historic features not scheduled for removal, shall be fully safeguarded during the course of the site works and building operations. No work shall commence on site until all trees, shrubs or features to be protected are fenced along a line to be agreed with the Local Planning Authority with 2.3 metre minimum height metal fencing (i.e. weld mesh) to BS5837: 2012 Trees in relation to design, demolition and construction securely mounted into the ground. Such fencing shall be maintained during the course of the works on site. No unauthorised access or placement of goods,

fuels or chemicals, soil or other materials shall take place inside the fenced area. In the event that any tree dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

Reason: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability throughout the construction period in the interests of amenity, in accordance with policy ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007 and policy DES3 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

On-site parking details

- 19 No development shall commence until additional layout plans, drawn to an appropriate scale, have been submitted to and approved in writing by the Local Planning Authority, which clearly demonstrate that all on-site parking spaces can be accessed by a vehicle, and that on-site turning space is sufficient to enable all

servicing vehicles to enter and exit the site in forward gear.

The development shall be carried out in accordance with the details agreed and such spaces shall be retained at all times for use in connection with the development hereby permitted.

Reason: To ensure that vehicles entering and exiting the site do not adversely affect the free and safe flow of traffic on the public highway in accordance with policy TRA2.

Finished surfaces of parking

- 20 Details of the finished surface of the parking areas shall be submitted to, and approved in writing by the Local Planning Authority before the development commences and such surfaces shall be completed to the Authority's satisfaction before any part of the development is first brought in to use.

Reason: In the interest of amenity, safety and long-term maintenance in accordance with policy DES4 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

Construction Traffic Management Plan

- 21 No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:
- a. Construction vehicle numbers, type, routing;
 - b. Traffic management requirements;
 - c. Construction and storage compounds (including areas designated for car parking);
 - d. Siting and details of wheel washing facilities;
 - e. Cleaning of site entrances, site tracks and the adjacent public highway;
 - f. Timing of construction activities to avoid school pick-up/drop-off times;
 - g. Provision of sufficient on-site parking (including for existing properties and on-site activities), prior to commencement of construction activities;
 - h. Post construction restoration/reinstatement of the working areas.

Reason: In order to protect highway safety and the amenity of other users of the public highway in accordance with policy TRA2 of the East Herts District Plan pre-submission

version, Nov 2016 together with the Main Modifications, Feb 2018.

Hard Surfacing Materials

- 22 Prior to the commencement of the development hereby permitted all materials to be used for hard surfaced areas within the site including roads, driveways and car parking areas shall be approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that the development does not detract from the appearance of the locality, and in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007 and policy DES4 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

Samples of materials

- 23 Prior to any building works being commenced samples of the external materials of construction for the buildings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be implemented in accordance with the approved materials.

Reason: In the interests of the appearance of the development, and in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007 and policy DES4 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018..

Landscape design proposals

- 24 Prior to the commencement of the development, full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate: (a) Proposed finished levels or contours (b) Means of enclosure (c) Car parking layouts (d) Other vehicle and pedestrian access and circulation areas (e) Hard surfacing materials (f) Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting) (g) Proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines, etc. indicating lines, manholes, supports, etc.) (h) Retained historic landscape features and proposals for restoration, where relevant (i) Planting plans (j) Written specifications (including cultivation and other operations associated with plant and grass establishment) (k) Schedules of plants, noting species, planting sizes and proposed

numbers/densities where appropriate (l) Implementation timetables. Thereafter the development shall proceed in accordance with the approved details.

Reason: To ensure the provision of amenity afforded by appropriate landscape design, in accordance with policies ENV1, ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007 and policy DES4 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018..

- 25 Prior to commencement of development, details of the method of piling for the construction works, including a method statement and noise emissions, shall be submitted to and approved in writing by the Local Planning Authority. All piling works shall be carried out in accordance with the agreed details.

Reason: In the interests of the amenities of residents of neighbouring properties and in accordance with policies ENV1 and ENV24 of the East Herts Local Plan Second Review April 2007 and policy DES4 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018..

Boundary treatment

- 26 Prior to the first occupation of any dwellings hereby approved, details of all boundary walls, fences or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority and thereafter shall be erected and retained in accordance with the approved details.

Reason: In the interests of privacy and good design, in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007 and policy DES4 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018..

SuDS management and maintenance plan

- 27 Upon completion of the drainage works a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development. The scheme shall include maintenance and operational activities; arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and

future occupants in accordance with policy WAT5 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018..

Vehicular access

- 28 Prior to the first occupation / use of the development hereby permitted, the vehicular access(es) shall be provided and thereafter retained at the position(s) shown on the approved plan drawing number (03010 8D ASL Rev D). Arrangement shall be made for surface water drainage to be intercepted and outfall discharged so that it does not discharge from or onto the highway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with policy TRA2 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

Access gates, barriers

- 29 Prior to the first occupation/use of the development hereby permitted any access gate(s), barriers, bollard, chain or other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 6 metres from the

back of the footway.

Reason: To enable vehicles to safely draw off the highway before the gate(s) or obstruction is opened in accordance with policy TRA2 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

- 30 Prior to first use of the multi-storey car park and the rear surface area parking area hereby approved, the public parking area identified as The Causeway car park (and identified on the OS plan dated July 2018) shall be closed for public use. Once closed, the Causeway car park shall subsequently remain unavailable for public use.

Reason: In the interests of the free flow of traffic through the highway network and in accordance with policy TRA1 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

Car Parking Management Plan

- 31 Prior to first occupation/use of the development, a Car Parking Management Plan shall be submitted to and approved in writing by the local planning authority. It shall include the following:
- i. Details of car parking allocation and distribution;

- ii. Operational details, and integration with other East Herts managed car parks within Bishop's Stortford;
- iii. Scheme for signing car park and any real time capacity information system;
- iv. A scheme for the provision and parking of cycles;
- v. Provision for a minimum of 20 Electric Vehicle charging points (which will serve as dual charging points with the capacity to charge up to 40 vehicles at one time);
- vi. Details of the infrastructure that will be provided as part of the development and subsequently, both within the site and off site as necessary, to enable the capacity of vehicle charging provision to be increased to a minimum of 160 vehicles in the future;; and
- vi. Monitoring required of the Car Management Plan to be submitted to and approved in writing in accordance with a timeframe to be agreed by the Local Planning Authority.

The Car Parking Management Plan shall be fully implemented before the development is first occupied or brought into use, in accordance with a timeframe agreed by the Local Planning Authority, and thereafter retained for this purpose.

Reason: In the interests of highway safety, to ensure sufficient available on-site car

parking, to ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development, in the interests of encouraging the use of sustainable modes of transport and in the interests of residential amenity. All in accordance with policies TRA2 and DES4 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

- 32 Communal television reception facilities shall be provided prior to first occupation of the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and no other external television reception facilities shall be provided. Once provided, the television reception facilities shall remain as such.

Reason: To prevent the proliferation of telecommunication facilities in the interests of visual amenity and in accordance with policy in accordance with policy DES4 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

FRA mitigation measures

- 33 The development permitted by this planning permission shall be carried out in

accordance with the approved Flood Risk Assessment carried out by EAS reference 1524 dated February 2018 and the Drainage Strategy and SuDS Statement carried out by Elliot Wood reference 2170573 Rev P2 dated February 2018 and the following mitigation measures:

1. Undertaking appropriate drainage strategy for multi-storey car park based on attenuation and discharge into the Old River Stort restricted at 5l/s.
2. Undertaking appropriate drainage strategy for northern car park drainage system and MUGA based on attenuation and discharge into the Old River Stort restricted at 2.5l/s.
3. Undertaking appropriate drainage strategy for the four storey residential and commercial building on attenuation and discharge into Thames Surface water sewer restricted at 2.5l/s.
4. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + 40% climate change event.
5. Implementing drainage strategy as indicated on the drawing titled Proposed Below Ground Drainage Layout drawing no. 1000 Rev 2 including attenuation tank and permeable parking bays.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with policy WAT1 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

- 34 All external plant, machinery and equipment installed or operated in connection with this permission shall be so enclosed, operated and/or attenuated that noise arising from such plant shall not exceed a level of 5dBA below the existing background level (or 10dBA below if there is a tonal quality) when measured or calculated according to BS4142:2014, at the boundary of any neighbouring residential dwelling.

Reason: To safeguard the amenities of residents of nearby properties, in accordance with policies ENV1 and ENV24 of the East Herts Local Plan Second Review April 2007 and policy DES4 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

Hours of use of MUGA

- 35 The MUGA shall not be used between the hours of 19:00 and 09:00 on any day and

the 1.5m wide access route, shown on Drawing No. 17144_07_100 Rev P2, shall be secured and remain closed between 19:15 and 08:45 on any day.

Reason: In order to ensure an adequate level of amenity for residents in accordance with policies ENV1 and ENV25 of the East Herts Local Plan Second Review April 2007 and policy DES4 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

- 36 The permitted use of the commercial unit shall be limited to A1, A2 or B1 uses.

Reason: In order to ensure an acceptable impact in relation to residential amenity and in accordance with policy DES4 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

- 37 The commercial unit shall be completed and ready for occupation with the glazed shopfront installed prior to the first occupation of the residential units.

Reason: To ensure that the commercial unit is ready for occupation in accordance with policy ED1 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

Construction hours

- 38 In connection with all site demolition, site preparation and construction works, no plant or machinery shall be operated on the premises before 0730hrs on Monday to Saturday, nor after 1830hrs on weekdays and 1300hrs on Saturdays, nor at any time on Sundays or bank holidays.

Reason: To safeguard the amenity of residents of nearby properties, in accordance with policies ENV1 and ENV24 of the East Herts Local Plan Second Review April 2007 and policy DES4 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

Hours of the car park

- 39 The vehicular entry into the public car park shall be restricted as follows:
- in relation to the ground floor and top floor of the multi storey car park and the rear surface parking area - to between 0700 and 2300 on any given day.
 - in relation to all other floors of the multi storey car park – to between 0700 and 2400 on any given day

Details of how this will be controlled shall be submitted to and approved in writing by the local planning authority prior to the opening of the car park. The development shall be carried out and thereafter operated in accordance with the details approved.

Reason: In the interests of the amenities of the occupants of nearby properties and in accordance with policies ENV1 and ENV25 of the East Herts Local Plan Second Review April 2007 and policy DES4 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

- 40 No part of the development shall commence until a detailed scheme has been submitted to and approved in writing by the local planning authority that will show how the application has satisfied the requirement of the highway authority in relation to sustainable transport measures for the car park and residential element of the proposal; and

Thereafter, no part of the car park shall be opened until the approved scheme has been carried out, completed and complied with in its entirety.

Reason: To ensure the development meets the requirements of the highway authority

in accordance with policy TRA2 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

- 41 No part of the development shall commence until a detailed scheme has been submitted to and approved in writing by the local planning authority that will show how the application has satisfied the requirement of the education authority in relation to primary and secondary education expansions; and

Thereafter, no more than 50% of the market housing to be provided shall be occupied as part of this development until the approved scheme has been carried out, completed and complied with in its entirety.

Reason: To ensure the development meets the requirements of the education authority in accordance with policy DEL1 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

- 42 No part of the development shall commence until a detailed scheme has been submitted to and approved in writing by the local planning authority that must provide details identifying the 6 Affordable Housing units, setting out how they will be managed and retained in their affordable

housing use, nominating tenure and the Housing Association; and

Thereafter, no more than 50% of the market housing to be provided as part of this development shall be occupied until the 6 Affordable Housing units have been completed and made ready for occupation.

Reason: To ensure the development meets the provision for affordable housing in accordance with policy HOU3 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

- 43 No part of the development shall commence until a detailed scheme has been submitted to and approved in writing by the local planning authority that will show how the Bishop's Stortford Library improvements have been addressed; and Thereafter, no more than 50% of the market housing to be provided shall be occupied as part of this development until the approved scheme has been carried out, completed and complied with in its entirety.

Reason: To ensure the development meets the requirements of the County Council library Service in accordance with policy DEL1 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

- 44 No part of the development shall commence until a detailed scheme has been submitted to and approved in writing by the local planning authority that will show how provision has been made for Parks and Gardens, outdoor sports facilities, green space and for children and young people required as a result of the development; and

Thereafter, no more than 50% of the market housing to be provided shall be occupied as part of this development until the approved scheme has been carried out, completed and complied with in its entirety.

Reason: To ensure the development meets the requirements of the local planning authority in accordance with policy DEL1 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

- 45 No part of the development shall commence until a detailed scheme has been submitted to and approved in writing by the local planning authority that will show how a wet woodland in the locality of the de-culverted Old River Stort, as set out in the Flood Risk Assessment, can be achieved;

Thereafter, no part of the car park shall be

opened until the approved scheme has been carried out, completed and complied with in its entirety.

Reason: To ensure the development meets the requirements of the local planning authority in accordance with policy NE3 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

Informatives

- 1 Under the terms of the Environmental Permitting Regulations a Flood Risk Activity Permit is required from the Environment Agency for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the River Stort and the Old River Stort Culvert, both of which are designated as 'main river'. Details of lower risk activities that may be Excluded or Exempt from the Permitting Regulations can be found on the gov.uk website. Please contact us at PSO-Thames@environment-agency.gov.uk.
- 2 The applicant is advised that any unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of the Local Planning Authority and appropriate mitigation measures agreed.

- 3 The removal or severe pruning of trees and shrubs should be avoided during the bird breeding season (March to August inclusive [Natural England]) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than 3 days in advance of vegetation clearance and if active nests are found, works should stop until the birds have left the nest.
- 4 To avoid killing or injuring of hedgehogs it is best practice for any brash piles to be cleared by hand. Any trenches on site should also be covered at night or have ramps to prevent and avoid hedgehogs being trapped during construction. It is also possible to provide enhancements for hedgehogs by making small holes within any boundary fencing. This allows foraging hedgehogs to be able to pass freely throughout a site.
- 5 Any external lighting scheme should be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites.
- 6 In the event of bats, otters, or water voles, or evidence of them, being found work must stop immediately and advice taken on

how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England: 0300 060 3900.

- 7 Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>
- 8 Obstruction of public highway: It is an offence under Section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a public right of way. If this development is likely to result in the public highway and public right of way network becoming routinely blocked (fully or partly) the applicant must contact

the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

- 9 Road Deposits: It is an offence under Section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other detritus on the highway. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>
- 10 The applicant is advised that in order to

comply with Conditions of this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the associated off-site highway improvements. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan; the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The balance of the considerations having regard to those policies is that permission should be granted.

109 3/17/1537/FUL - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF A FOODSTORE, WITH ASSOCIATED CAR PARKING, SERVICING, LANDSCAPING AND ASSOCIATED WORKS AT CONSUMERS ASSOCIATION GASCOYNE WAY, HERTFORD SG14 1LH

The Head of Planning and Building Control recommended that in respect of application 3/17/1537/FUL, subject to a legal agreement, planning permission be granted subject to the conditions detailed in the report now submitted.

The Head summarised the application and detailed the relevant planning history. Members were reminded of the policy requirement to maintain sufficient sites for employment use in light of the significant increase in housing sites detailed in the District Plan.

The Head stated that Officers had assessed the shortcomings of the site in terms of its attractiveness as an employment use as well as the proximity of watercourses and the issue of flooding. Members were advised that the likelihood of the site being utilised for employment was in some doubt.

The Head stated that the application was largely acceptable in policy terms. The site was close to the Hertford town centre but had been perceived to be remote from the town centre due to the busy A414 Gascoyne Way. The site was separated from West Street properties by a watercourse and the intervening green space.

The Head advised that the usual preferred linkage to the town centre was compromised to a degree by the significant barrier feature of Gascoyne Way. Officers felt that, on balance, the application would not adversely affect the town centre core retailers and would not adversely affect the function of the town

centre or the character of the historic core of Hertford.

Dr McAllister and Mr Close addressed the Committee in support of the application. Councillor P Ruffles commented on the nature of Aldi retail offer and whether this application would give permission for that retailer only. He commented on the screening element of the car park in reference to landscaping to the Lea Valley side of the site. He referred in particular to protection for residents of West Street. He also referred to the wording of the conditions and the two hour limit for users of the car park and the possibility that they could also visit the town centre.

Councillor D Andrews commented that although he was broadly content with the application, he wondered whether Section 106 amelioration would be of benefit for the residents of West Street. Councillor D Oldridge commented on the need for clarity regarding condition 21 and car parking hours of use and condition 7 in terms of a more precise number of cycle spaces for the car park.

Councillor B Deering commented on the importance of securing a workable underpass that people will use and he referred to the critical importance of protecting the underpass with CCTV. Councillor T Stowe highlighted the importance of the car park and roadway being covered by a permeable material to avoid surface water run-off.

The Head confirmed that the occupier of the site was not wholly relevant as the application was for a class A1 retail use. The building would be bespoke for a

particular operator for convenience and comparison retailing.

Members were advised that the screening to the southern side of the car park was a very valid point and condition 26 covered a landscape management plan regarding the southern perimeter of the site. The Head stressed that the hours of use of the car park was covered by the proposed planning condition 21 and a car park management plan, although Officers would look at the wording of this in light of Members' comments and concerns on the car park.

Members were advised that the modelling work carried out by Hertfordshire County Council had indicated that the scheme would not have any adverse impact on the road network. The conditions regarding disabled car parking spaces and cycle spaces could be amended to be entirely specific in terms of not being less than a certain number.

The Head concluded that Officers would continue to liaise with the applicant on funding for treatment works for the underpass plus CCTV. Members were advised that Officers would work with the applicant regarding surface water drainage conditions and details of construction materials.

Councillor J Jones praised the proposed development as an excellent design that sat well next to Gascoyne Way. He felt that the food store would be very welcome in Hertford. Councillor D Andrews commented on the possibility of a condition that ensured that the car park was secured so that it was

more difficult for non-shoppers to use the car park after the proposed food store had closed.

Councillor P Ruffles welcomed the subway treatment works and drew attention to three other subways which already had murals and emphasised that it would be most welcome if this underpass followed the tone of these. He also welcomed the location of this site to the west of the town centre as the retail offer had shifted to the east.

Councillor P Ruffles countered the point made by Councillor J Jones regarding an excellent design. He felt that the existing employment building was good looking and the proposed development was a standard store design that did not look any better. Councillor P Ruffles expressed concerns regarding cyclists and pedestrians having safe passage across the entrance to the site given the speed of traffic on Gascoyne Way. He suggested that Officers could go back to HCC Highways regarding whether more could be done regarding the safety of cyclists and pedestrians.

The Head referred to condition 4 in the report submitted and advised that the intended store operating hours would actually be 8 am to 10 pm from Monday to Saturday. The car park management plan could be amended to ensure the safety and security of the car park.

The Head emphasised that the junction had a crossing island where each half had issues in terms of visibility and the speed of vehicles. Officers could take this

issue back to the highways experts so that other potential design arrangements could be explored and incorporated into the conditions following further scrutiny.

In reply to a comment from Councillor D Oldridge regarding the balance of short term and long term parking spaces, the Head confirmed that Officers would further explore this issue on behalf of the Committee.

Councillor P Ruffles proposed and Councillor M Allen seconded, a motion that in respect of application 3/17/1537/FUL, the Committee support the recommendation for approval subject to a legal agreement and the conditions detailed in the report submitted.

After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee supported the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application 3/17/1537/FUL, planning permission be granted subject to a legal agreement and the conditions detailed in the report submitted.

- 110 3/18/1112/FUL - REDEVELOPMENT OF COLEBROOKE COURT: RETAIN BUILDING STRUCTURE WITH ADDITION OF ONE STOREY TO THE TOP FLOOR TO CREATE A PART-4 AND PART-5 STOREY BUILDING COMPRISING 11 RESIDENTIAL UNITS (9 X 2-BEDROOM AND 2 X 1-BEDROOM) WITH ASSOCIATED CAR PARKING, CYCLE STORAGE, PLANT AND LANDSCAPING WORKS. FOUR STOREY FRONT EXTENSION FOR NEW ENTRANCE AND INCREASED SIZED STAIRWAY. EXTERNAL WORKS INCLUDING RECLADDING AND THE ADDITION OF NEW WINDOWS AND JULIETTE BALCONIES AT COLEBROOKE COURT, THE RIDGEWAY, HERTFORD SG14 2TL
-

The Head of Planning and Building Control recommended that in respect of application 3/17/1112/FUL, subject to a Section 106 agreement, planning permission be granted subject to the conditions detailed in the report now submitted.

The Head summarised the application and detailed the relevant planning history. Members were advised of the mix of proposed development which would comprise 100% affordable housing and 100% shared ownership.

In reply to a comment from Councillor T Stowe regarding the proposed zinc cladding, the Head confirmed that this was a matter for the building regulations regime rather than the planning system.

Councillor P Boylan commented on the windows of the proposed western elevation of Colebrook Court. He referred to the large size of the proposed windows and sought clarity in respect of the prospect of overlooking.

The Head confirmed to Councillor P Ruffles that although he could not give any assurances now, Officers would have a discussion with the applicant regarding waste and recycling collection and storage and the proposed conditions. The Head also confirmed to the Committee that, in respect of the points that had been raised by Councillor P Boylan regarding building orientation and overlooking, he did not have plans for the adjacent site so was not able to confirm matters and this would have been taken into account when the proposals for the adjacent development site were considered.

Councillor P Ruffles proposed and Councillor D Andrews seconded, a motion that in respect of application 3/18/1112/FUL, the Committee support the recommendation for approval subject to Section 106 agreement and the conditions detailed in the report submitted.

After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee supported the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application 3/18/1112/FUL, planning permission be granted subject to a legal agreement and the conditions detailed in the report submitted.

111 ITEMS FOR REPORTING AND NOTING

RESOLVED – that the following reports be noted:

- (A) Appeals against refusal of planning permission / non-determination;
- (B) Planning Appeals lodged;
- (C) Planning Appeals: Inquiry and Informal Hearing dates; and
- (D) Planning Statistics.

The meeting closed at 9.08 pm

Chairman
Date

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MINUTES OF A MEETING OF THE
OVERVIEW AND SCRUTINY COMMITTEE
HELD IN THE COUNCIL CHAMBER,
WALLFIELDS, HERTFORD ON TUESDAY 10
JULY 2018, AT 7.00 PM

PRESENT: Councillor M Allen (Chairman)
Councillors S Bull, M Casey, G Cutting,
B Deering, I Devonshire, H Drake, J Jones,
P Moore, M Stevenson and N Symonds

ALSO PRESENT:

Councillors K Crofton, T Page, M Pope and
P Ruffles

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Democratic Services Officer
Jonathan Geall	- Head of Housing and Health
Helen Standen	- Director

ALSO IN ATTENDANCE:

Scott Crudginton	- Chief Executive, Stevenage Borough Council
Richard Protheroe	- Stevenage Borough Council
Clare Fletcher	- Stevenage Borough

	Council
Rob Gregory	- Stevenage Borough Council
Paul Tyler	- Stevenage Borough Council

80 APOLOGIES

Apologies for absence were submitted on behalf of Councillors D Abbott and Mrs D Hollebon.

81 MINUTES

The Minutes of the meeting held on 10 July 2018 were considered. Councillor J Jones requested an amendment to Minute 54 (Proposed Capital Development of Hertford Theatre and Surrounding Areas) as follows:

- Paragraph 11, third line after the word “had”, insert “without consultation with Members and Local Members”.
- Councillor M Stevenson also requested an amendment:
- Paragraph 11, ninth line after the word “generation”, a new sentence be inserted as follows. “Councillor M Stevenson commented that she had been involved as part of the Health and Wellbeing Forum”.

It was moved by Councillor M Allen and seconded by Councillor M Casey that the Minutes of the meeting held on 19 June 2018 as now amended, be confirmed as a correct record and signed by the Chairman. After being

put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that the Minutes of the meeting held on 19 June 2018 as now amended, be confirmed as a correct record and signed by the Chairman.

82 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Officers from Stevenage Borough Council to the meeting.

The Chairman reminded Members that in the interests of transparency of decision making, recommendations needed to be moved and seconded other than for presentations and items for noting.

The Chairman also reminded Members that under the GDPR (General Data Protection Regulations), it was the responsibility of Members to ensure that reports with confidential papers were disposed of safely and not recycled. He added that the Democratic Services Officer would be happy to collect agendas after the meeting.

83 SHARED SERVICES UPDATE: IT

The Director submitted a report on the Shared IT Service arrangements with Stevenage Borough Council (SBC). She provided historical background which culminated in the shared service arrangements. This aimed to provide value for money and stability of service. The Director explained that savings had been achieved and that there was an emerging ICT strategy and significant investment particularly over the last six months.

Scott Crudgington, the Chief Executive of Stevenage Borough Council introduced his team and their areas of expertise. Mr Crudgington reminded Members of the financial crisis which had hit the country in 2008 in terms of local government cuts and the austerity measures which had followed triggering a number of Councils to investigate partnership working arrangements; the first of which was to share revenues and benefit service arrangements. Mr Crudgington referred to the challenges still facing both Councils with shared IT arrangements and of the successes with shared services including revenues and benefits and the CCTV partnership working.

The Committee Chairman commented on the need to look at service provision going forward and what it could do better.

Councillor M Casey referred to the projected savings of £400K a year cited within the business plan in the context of the outturn figures for 2016/17 and 2017/18. He queried what had happened to the £400K savings.

Claire Fletcher (Finance Officer, SBC) explained how the costs of moving to a shared service arrangement including staffing changes (e.g. TUPE) had impacted on the projection and synchronising of projects.

Clarification was sought and provided on the table in paragraph 4.1 of the report submitted, in relation to retained costs by each council. By way of example Mr Crudgington explained that SBC still held housing stock and the implication of this on IT management. Mr Tyler explained that £386K was retained by EHDC and how this

was broken down to support various services, e.g. Revenues and Benefits.

The Committee Chairman sought and was provided with clarification on the potential impact if each Council did not have a shared service arrangement. Mr Crudginton referred to the impact on data integration, the need to develop data centres and the re-employment of staff who had TUPE'd over.

The Director explained that if both Councils had continued to provide separate IT services, then annual costs would have risen year on year and that it was unlikely that savings would have been achieved. She explained that both Councils now had significant resilience through a variety of means and of the importance of investment. The Director added that the emerging ICT strategy would inform the direction of travel over the years and provide an indication of what investment levels were needed.

Councillor B Deering thanked the Officers for the report. He was concerned to read (in paragraph 6.11) that projects and business as usual work was "uncontrolled" and how this had impacted on maintaining day to day services. He expressed concern about the decision to extend the partnership arrangement to 31 March 2019 to enable a revised agreement for a further three years to be approved by both Councils. Councillor Deering suggested that Officers should provide further information including extraction costs, to see if EHDC wanted to carry on with the shared arrangement .

The Director referred Members to the ever changing environment of IT and the anticipated review following the

appointment of a new Shared Service Technology (Transformation) Manager.

She explained that a separate arrangement would mean increased staff costs at both sites.

Councillor M Casey commented that it appeared to him that the savings achieved had been spent on equipment and licences. He sought and was provided with clarification in relation to the suggestion that a third Council might be encouraged to join the shared service arrangement.

Councillor M Pope felt that there had been a lack of planning in the infrastructure phase due to the increase in costs in the life of the shared service arrangements. The Director explained that the significant investment in supplies and services was necessary to ensure that the Council had the right platform for its services and residents. She explained that without the right platform, it could not move forward and there was a need to continually invest.

The Director was keen to see what proposals the new IT Manager might have in relation to the ICT strategy and both Councils' vision. She explained that she would be happy to report back in terms of the developments.

Councillor M Stevenson sought and was provided with clarification by Mr Protheroe (SBC) on the use of consultants in the past and whether this would increase.

The Committee Chairman queried what other platforms had been considered. Mr Tyler explained that many

applications centred on Microsoft and it was important to consider how other applications could be supported in terms of the whole.

Councillor B Deering queried whether the Council might consider outsourcing or privatising this service, adding that it was important to have a system which delivered what was needed. The Director commented that she was happy to review options.

Mr Crudgington acknowledged that there were some areas where improvements could be made.

Councillors N Symonds commented on the unreliability of the service and its potential vulnerability. Mr Crudgington stated that they were doing all they could to improve resilience.

Councillor M Pope sought and was provided with clarification by Mr Tyler (SBC) about projects to build on resilience.

Councillor H Drake was concerned about having to adopt different approaches to different projects because Stevenage had some specific needs which EHDC did not. She stressed the need for consolidation. The Director assured her that synergies were discussed when any decisions needed to be made to buy new systems, adding that both Councils did a lot of things the same but some things differently.

The Committee Chairman sought and was provided with clarification by Mr Tyler (SBC) on the issue of GDPR and how and what data should be retained, anonymising data

and shoring up security systems.

Councillor I Devonshire praised the support provided by IT staff. He was surprised that the "Cloud" could not be used to store data. Mr Crudginton explained the difficulties moving from Office 365 to a corporate environment and the need to ensure all systems could interact with one another.

The Director explained that moving forward, it would be necessary to get the views of the new IT (Transformation) Manager. She anticipated being able to circulate Members with further information by Christmas 2018 and then set up another special meeting. This was supported.

The Committee Chairman, on behalf of Members thanked all those concerned for the update.

It was moved by Councillor M Allen and seconded by Councillor M Casey that the recommendations as detailed, be supported including a recommendation to report back by Christmas 2018. After being put to the meeting and a vote taken, the recommendations were declared CARRIED.

RESOLVED – that (A) the value for money assessment of the Shared IT Service be noted;

(B) current proposals to help ensure continued value for money be supported; and

(C) Officers report back with an update by Christmas 2018.

84 SHARED SERVICES UPDATE: CCTV

The Head of Housing and Health submitted a report on the shared service arrangements currently in place, hosted by Stevenage Borough Council (SBC) through which CCTV cameras in the District were monitored.

The Head of Housing and Health provided an update on the background of the CCTV partnership, what cameras were deployed, profits and losses incurred by the trading arm owned by the four partners and how this was apportioned. The Head of Housing and Health explained why the trading arm had been established and the potential for developing the service commercially.

Councillor J Jones praised the CCTV partnership and queried whether the service could be utilised by Buntingford Town Council. The Head of Housing and Health explained the costs of running the service and confirmed that it could be extended. He agreed to discuss the matter further with the Member or the Town Council.

An update was provided in relation to the governance review and the development of a business plan for growth to accommodate the demands for CCTV assistance.

In response to a query from Councillor N Symonds, the Head of Housing and Health explained that mobile cameras were moved to the best vantage points and power sources possible.

Clarification was sought and provided by Ms Fletcher (SBC) regarding the profit and losses made by the CCTV Partnership's trading arm and how these were distributed.

She explained that there had been a small surplus last year and that the partnership needed to look at the costs of the partnership and the most tax efficient methods for the company to work, particularly in relation to acquiring cameras and how and where the costs should be accounted whether within the company or the Partnership itself.

The benefits of hard wired systems versus mobile arrangements were discussed. It was noted that the governance review would be completed by the autumn 2018. The Head of Housing and Health anticipated being able to report back to Members in September 2018. It was moved by Councillor M Allen and seconded by Councillor B Deering that the recommendations as detailed, be supported. After being put to the meeting and a vote taken, the recommendations were declared CARRIED.

RESOLVED - that (A) the shared CCTV arrangements detailed in the report be noted and Members' comments be taken on board by the Head of Housing and Health for consideration at an operational level;

(B) the reviews of the operational and governance aspects of the shared CCTV service currently under way be acknowledged and Members' comments be taken on board by the Head of Housing and Health; and

(C) the Head of Housing and Health submit a report to Members to consider the outcome of the reviews.

At 8.49pm, the meeting was adjourned. The meeting reconvened at 8.55pm.

85 EXCLUSION OF THE PRESS AND PUBLIC

Councillor M Allen moved, and Councillor M Casey seconded, a motion that under Section 100 (A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting during the discussion of Minute 86 – Potential Kingsmead Scheme, on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of part 1 of Schedule 12A of the said Act. After being put to the meeting, and a vote taken, the motion was declared CARRIED.

RESOLVED – that under Section 100 (A)(4) of the Local Government Act 1972 the press and public be excluded from the meeting during the discussion of Minute 86 (Potential Kingsmead Scheme) on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of part 1 of Schedule 12A of the said act.

86 POTENTIAL KINGSMEAD SCHEME

The Head of Housing and Health provided a presentation on the potential for the improvement and/or redevelopment of the Pinehurst Community Centre, the adjacent shop and flats on the site referred to as the Kingsmead site. He provided background information on the history of the site and its configuration, key issues and opportunities arising from the options appraisal.

Members considered three possible initial options:

- refurbishment of the community centre and shop with no changes to the residential flats;
- disposal of the site to a housing association or developer; and
- Council-led redevelopment of the site.

The advantages and disadvantages of each option were debated at length.

It was moved by Councillor M Allen and seconded by Councillor B Deering that the recommendations as detailed, be supported. After being put to the meeting and a vote taken, the recommendations were declared CARRIED.

RESOLVED - that the Executive be advised that the Committee support:

(A) the option of a council-led redevelopment of the site as detailed in the report;

(B) Officers be requested to conduct more detailed financial modelling.

The meeting closed at 9.37 pm

MINUTES OF A MEETING OF THE
PERFORMANCE, AUDIT AND GOVERNANCE
SCRUTINY COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON TUESDAY 24 JULY 2018, AT
7.00 PM

PRESENT: Councillor M Pope (Chairman)
Councillors A Alder, P Ballam, P Boylan,
R Brunton, S Cousins, K Crofton, T Page,
L Radford, T Stowe and J Wyllie

ALSO PRESENT:

Councillors M Allen and G Cutting

OFFICERS IN ATTENDANCE:

- | | |
|--------------------|--|
| Lorraine Blackburn | - Democratic Services Officer |
| Isabel Brittain | - Head of Strategic Finance and Property |
| Graham Mully | - Insurance and Business Risk Advisor |

ALSO IN ATTENDANCE:

- | | |
|---------------|---------------------------------|
| Debbie Hanson | - Ernst Young LLP |
| Simon Martin | - Shared Internal Audit Service |

112 CHAIRMAN'S ANNOUNCEMENTS

The Chairman reminded Members that in the interests of transparency of decision making, all recommendations, other than presentations or items for noting needed to be formally moved and seconded.

The Chairman commented that in recognition of GDPR, all pink papers attached to the agenda should be disposed of as confidential paper. He said that the Democratic Services Officer would be happy to dispose of these papers at the conclusion of the meeting.

The Chairman suggested that, with the consent of Members, the External Auditor's report and the Annual Statement of Accounts be considered before the General Fund Revenue and capital outturn in order to make better use of the External Auditor's time. This was supported.

113 APOLOGIES

Apologies for absence were received from Councillors D Oldridge, P Ruffles, S Reed and S Stainsby. It was noted that Councillor R Brunton was substituting for Councillor P Ruffles.

114 MINUTES

It was moved by Councillor A Alder and seconded by Councillor S Cousins that the Minutes of the meeting held on 25 May 2018 be confirmed as a correct record and signed by the Chairman. After being put to the meeting and a vote taken, the motion was declared as CARRIED.

RESOLVED – that the Minutes of the meeting held on 25 May 2018 be confirmed as a correct record and signed by the Chairman.

115 AUDITOR'S RESULTS REPORT: EY (ERNST YOUNG)

The External Auditor (EY) submitted the Audit Results report for 2017/18. She referred to the Executive Summary of their preliminary audit conclusions. The External Auditor stated that some outstanding matters needed to be resolved which were detailed in Section 3 of their report. These related to:

- Journals testing.
- Payroll differences / testing.
- Final Audit Manager and Associate Partner review of the audit work completed.
- Review of the final version of the financial statements.
- Completion of subsequent events review.
- Receipt of the signed management representation letter.

Subject to the above issues being resolved, EY expected to issue an unqualified audit opinion on the financial statements before the statutory deadline of 31 July 2018.

The External Auditor provided updates in relation to the Executive Summary including:

- Understatements in relation to debtor and creditor figures.
- Pension discounts and the impact on the pension

reserves.

- Virgin Media and NNDR Appeals provision.

In response to a query from the Committee Chairman, the Head of Strategic Finance and Property explained that there were a number of ongoing (NNDR) appeals and further information would be provided to EY when the Officer returned from leave. The Head explained that the tighter timetable in which to produce the draft accounts had impacted on the pensions estimate provided by the County Council's actuaries. She provided an update in relation to understatements in relation to debtor and creditor figures.

The Committee Chairman sought and was provided with clarification on a number of queries:

- whether independent partners reviewed the accounts;
- what had impacted on the Auditor's final fee for 2017/18;
- the Housing Subsidy deadline claim and last year's administrative assistance by the Council;
- how well the audit had progressed; and
- the early deadlines and how this impacted on both EY and Council Officers.

The Chairman, on behalf of Members thanked EY for their report.

It was moved by Councillor L Radford and seconded by Councillor J Wyllie that the Auditor's Results Report be received. After being put to the meeting and a vote taken the recommendation to receive the report was CARRIED

RESOLVED - that the External Auditor's report be received.

116 ANNUAL STATEMENT OF ACCOUNTS

The Executive Member for Finance and Support Services submitted a report setting out the background to the 2017/18 Statement of Accounts. The report also provided details of the overall financial position in the Balance Sheet and revenue activities for the General Fund and Collection Fund.

The Head of Strategic Finance and Property provided a summary of the report. She commented that the accounts would not be signed off until all the work had been completed and asked that the task of signing off the accounts be delegated to the Head of Strategic Finance and Property. This was supported.

It was moved by Councillor J Wyllie and seconded by Councillor T Stowe that the recommendations, including delegated authority to sign off the accounts to the Head of Strategic Finance and Property, as detailed be supported. After being put to the meeting and a vote taken, the recommendations were declared CARRIED.

RESOLVED - that (A) the Council's Statement of Accounts for the financial year 2017/18 be approved

and the Chairman of Performance, Audit and Governance Scrutiny Committee be authorised to sign thereof at the conclusion of the meeting;

(B) the Letter of Representation be approved for signing by the Chairman of Performance, Audit and Governance Scrutiny Committee and the Head of Strategic Finance and Property; and

(C) the Head of Strategic Finance and Property be given delegated authority to sign off the accounts.

117 GENERAL FUND REVENUE AND CAPITAL OUTTURN 2017/18 AND MEDIUM TERM FINANCIAL PLAN 2019/20: UPDATE

The Executive Member for Finance and Support Services submitted a report on the General Fund Revenue Outturn for 2017/18 and the Medium Term Financial Plan 2019/20 update. The report also provided a summary of financing arrangements for the 2017/18 Capital Outturn and the updated 2018/19 capital budget and approved slippage for 2017/18. The Head of Strategic Finance and Property provided a summary of the report and was happy to report that the budget was underspent by £7k as a result of fluctuations between services.

The report was debated at length when Members sought and were provided with clarification on a number of issues:

- the depressed rental income on Charrington's House, and the fact that Officers had secured more tenants which would impact positively on the Balance Sheet;
- PCN income and a request that the Head of

Operations write to Members regarding the number of successful appeals;

- an overspend in the Democratic Services salaries budget;
- the underspend achieved of £223k within Housing and Health and within a year and the possibility of a service review;
- assurances that the first quarter health check in September would provide greater levels of details in terms of the Council's capital and revenue position;
- the sum of £633k towards demolition costs for the Causeway building and how these would be funded. The Head of Strategic Finance and Property advised that this was a reserve fund held for this type of expenditure.
- the overspend of £33k in Planning given recruitment difficulties and the need to keep this under review;
- Legal and General's ownership of Jackson Square in Bishop's Stortford and the Council's management role;
- the capital budget overspend of £600k in respect of the Causeway building;
- the slippage figure in relation to the Fire Suppression unit at Buntingford Depot which remained unchanged and was not split between the two authorities;

- the overspend of £297k against the Business and Technology Service budget, whether this was a one off because of under investment in previous years and was this related to cyber security? The Head of Strategic Finance and Property undertook to provide a breakdown to Members;
- an underspend in terms of £51k in relation to interest and investment income; and
- the Council's receipt of £325k funding.

The Committee Chairman sought and was provided with assurance that the Council's level of reserves was now at an appropriate level and there was resilience in their usage.

Councillor J Wyllie reminded Members that it was the Council who refunded their parking fees when shopping at Sainsburys. Members supported the suggestion that the public be made aware that it was not Sainsburys who refunded shoppers their parking fees but East Herts Council made possible by the residents of East Hertfordshire.

It was moved by Councillor J Wyllie and seconded by Councillor A Alder that the recommendations, as detailed be supported. After being put to the meeting and a vote taken, the recommendations were declared CARRIED.

RESOLVED – that the Executive be advised that (A) the General Fund revenue outturn of £7k underspend be transferred to the General reserve;

and

(B) the capital budgets of £1.496M be re-profiled from 2017/18 capital programme to 2018/19 programme to fund ongoing capital schemes.

118 SHARED INTERNAL AUDIT SERVICE (SIAS) - ASSURANCE STATEMENT AND ANNUAL REPORT 2017 – 18

The Shared Internal Audit Service (SIAS) submitted a report summarising their opinion on the adequacy and effectiveness of the Council's control environment, the outcomes of self-assessments required against accounting standards, and SIAS's performance in delivering the Council's audit plan. The report presented the 2018/19 Audit Charter. The report also sought management assurance that the scope and resources for the internal audit were not subjected to inappropriate limitations in 2017/18. The SIAS Officer provided a summary of the report.

The Committee Chairman sought and was provided with assurances regarding the Council's non-financial systems. The Head of Strategic Finance and Property explained how the service worked with SIAS to review riskier issues to make sure proper controls were in place.

The Committee Chairman sought and was provided with clarification on:

- the six audit projects which were classified as "not assessed"; and
- the limited assurances provided in relation to cyber

security.

The Committee Chairman suggested that Members might wish to receive more information in relation to wider IT issues and particularly in relation to cyber security. This was supported.

In response to a query from Councillor J Wyllie regarding the overall effectiveness of SIAS and audit delivery, the Head of Strategic Finance and Property assured Members of the good working relationship with SIAS.

It was moved by Councillor L Radford and seconded by Councillor A Alder that the recommendations, as detailed be supported. After being put to the meeting and a vote taken, the recommendations were declared CARRIED.

RESOLVED – that (A) the Annual Assurance Statement and Internal Audit Annual report be noted;

(B) the results of the self-assessment required by the Public Sector Internal Audit Standards (PSIAS) and the Quality Assurance Improvement Programme (QAIP) be noted;

(C) the Audit Charter for 2018/19 be approved; and

(D) confirmed that the scope and resources for the internal audit had not been subject to inappropriate limitations in 2017/18.

119 SHARED INTERNAL AUDIT SERVICES (SIAS) - PROGRESS
REPORT ON AUDIT PLAN 2018 – 19

The Shared Internal Audit Service submitted a report detailing the internal audit progress in delivering the audit plan as at 6 July 2018, proposed amendments to the approved Internal Audit Plan, and the status of previously agreed internal audit recommendations. Additionally, the report provided an update on performance management information up to 6 July 2018 and detailed revised assurance definitions / priority levels. The SIAS Officer provided a summary of the report.

Members referred to the issue of cyber security and the limited assurance level which had been given. The status of high priority recommendations were discussed including IT Disaster Recovery (Post Incident). The Committee Chairman suggested that Members be provided with further information on cyber security and within the context of disaster recovery and that this be added to the Work Programme for 2018/19. This was supported.

It was moved by Councillor P Ballam and seconded by Councillor J Wyllie that the recommendations, including the inclusion of cyber security and disaster recovery in the work programme, as detailed be supported. After being put to the meeting and a vote taken, the recommendations were declared CARRIED.

RESOLVED - that (A) the Internal Audit Progress report be noted.

(B) the amendments to the Audit Plan as at 6 July 2018 be approved;

(C) the status of high priority recommendations be noted;

(D) the revised assurance definitions / priority levels be noted; and

(E) the Work Programme be amended by the inclusion of cyber security and disaster recovery.

120 ANNUAL GOVERNANCE STATEMENT 2017/18 : UPDATE

The Leader of the Council submitted a report presenting the 2017/18 Annual Governance Statement and the 2018/19 Annual Governance Statement Action Plan. The Head of Strategic Finance and Property provided a summary of the report.

Councillor T Page referred to IT Disaster Recovery and the suggestion that both Councils should perform a business impact assessment on the loss of IT and queried the suggestions that Councils should define their respective risk appetites on a service basis. The Insurance and Business Risk Advisor explained what actions were taken in relation to the business continuity plan and which services were determined as priorities. He explained that he was currently reviewing business continuity templates which would be considered by Leadership Team.

RESOLVED – that (A) the Annual Governance Statement 2017/18 be noted; and

(B) the Annual Governance Statement Action Plan

2018/19 be noted.

121 RISK MANAGEMENT ANNUAL REPORT

The Head of Strategic Finance and Property submitted a report on the content of the Strategic Risk Register for 2018/19. The Head of Strategic Finance and Property provided a summary of the report.

In response to a query from the Committee Chairman, the Insurance and Business Risk Advisor provided an explanation of the numbers used in the matrix, 1 being remote and 4 being likely to occur. He explained that some risks could be managed down with controls but others could not.

It was moved by Councillor R Brunton and seconded by Councillor K Crofton that the recommendations, as detailed be supported. After being put to the meeting and a vote taken, the recommendations were declared CARRIED.

RESOLVED – that the Executive advised that Members had reviewed and received the Strategic Risk Register.

122 WORK PROGRAMME 2018/19

The Chairman of Performance, Audit and Governance Scrutiny Committee submitted a report setting out the committee's future work programme.

The Committee Chairman commented that in the past, Members had considered a request to have a presentation

by Housing Associations which would cover things such as repairs and general issues of concern. Members were reminded that presentations had been reported to the former Community Scrutiny Committee and that future reports would be within the remit of Overview and Scrutiny Committee. Councillor M Allen undertook to submit a request for this via a Scrutiny Proposal Form.

The Committee Chairman explained that he had asked the Head of Democratic and Legal Services for an update regarding the employment of a Scrutiny Officer who had advised that the matter was in hand and the content of the role was being reviewed. Councillor J Wyllie stated that it was critical that Members had a Scrutiny Officer in post to support them in the role of scrutiny.

Arising from consideration of reports elsewhere on the agenda, Members were reminded that they had already supported the inclusion onto the work programme, of a report on disaster recovery following a cyber-attack and the impact this might have in relation to the business impact /continuity plan. This was supported.

Members referred to Essential Reference Paper "B" in terms of the items to be scoped / added, specifically in relation to Section 106 Agreements (review of the management of Section 106 payments). Councillor P Ballam reminded Members that when this had been discussed at an earlier meeting, it was also about whether agreements were appropriate. Councillor T Page suggested that a financial statement detailing the current position be provided for scrutiny and which provided expiration details. This was supported.

It was moved by Councillor T Page and seconded by Councillor S Cousins that the draft work programme, be amended by the inclusion of :

- a report on disaster recovering following a cyber-attack and in relation to the business impact continuity / assessment; and
- a report on Section 106 agreements including a financial statement detailing the summary position be reported to the November meeting.

After being put to the meeting and a vote taken, the recommendations, including the amendments, were declared CARRIED.

RESOLVED - that the draft work programme as amended, for Performance, Audit and Governance Scrutiny Committee, as now detailed, be approved.

123 EXCLUSION OF THE PRESS AND PUBLIC

Councillor M Pope moved, and Councillor J Wyllie seconded, a motion that under Section 100 (A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting during the discussion of Minute 124 – Insurance Options for 2019 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of part 1 of Schedule 12A of the said Act. After being put to the meeting, and a vote taken, the motion was declared CARRIED.

RESOLVED - that under Section 100 (A)(4) of the Local Government Act 1972 the press and public be

excluded from the meeting during the discussion of (in part) Minute 124 (Insurance Options for 2019) on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the said Act.

124 INSURANCE OPTIONS FOR 2019

The Executive Member for Finance and Support Services submitted a report seeking views on the Council's future insurance arrangements as the Council's long term agreement ended in 2019.

The Head of Strategic Finance and Property provided a summary of the report and drew Members' attention to the Essential Reference Paper "B" containing exempt information which set out three options available to the Council and the risks and benefits of each option. The Insurance and Business Risk Advisor provided an update in relation to the Council's relationship with the Local Government Association Mutual which was in its early development stages.

Councillor G Cutting summarised his involvement in the process explaining that he had attended meetings at the LGA which was moving towards an operational board and engaging professional consultants. He explained that at the present time, there were a number of unknowns and issues to resolve which could impact on the premiums each Council would have to pay.

Councillor Cutting explained that there was a great deal of encouragement to commit to becoming a founder Member but that for the moment, the Council should take a

prudent approach over the next couple of years, and until the unknowns had been resolved. He suggested that the Council could present its “book” for soft market testing on its portfolio but that this could impact negatively on the LGA Mutual and any competitive rate they might offer in the future.

Councillor J Wyllie stated that he was happy to support the extension of the contract for a maximum of two years and while Members sought further information regarding the progress of the LGA Mutual. Councillor L Radford supported this suggestion.

The Insurance and Business Risk Advisor summarised some of the Council’s key insurance requirements which was split between eight insurance companies. Councillor P Boylan suggested that the Council could increase the excesses to lower the premium rates. The Insurance and Business Risk Advisor agreed that this was a possibility and that the Council was doing more self-funding and that an actuarial review will be commissioned when appropriate to help determine the optimum balance between insured and retained risk. He stated that he had had a number of meetings with the Head of Strategic Finance and Property on the options in going forward.

Councillor G Cutting explained that the Council could be declaring its intention to establish itself as a founding Member by submitting its insurance “book”. The Head of Strategic Finance and Property suggested that the Council should continue to attend meetings and correspond with the Mutual for the time being. Councillor S Cousins suggested that the Council should stick to the status quo.

The Committee Chairman commented that given Members' views and the on the advice submitted, the Council should take a prudent approach regarding its future insurance arrangements.

It was moved by Councillor S Cousins and seconded by Councillor P Boylan that :

- the Council's insurance contracts be extended for a maximum of two years, and
- Officers submit a review in one year and receive an update on the Council's position as an uncommitted founding Member and that the Executive be advised that the recommendations as detailed be supported.

After being put to the meeting and a vote taken, the recommendations now detailed, were declared CARRIED.

RESOLVED - that the Executive (A) be advised that:

(A) the Council's insurance contracts be extended for a maximum of up to two years; and

(B) Officers submit a review in one year and an update on the Council's position as an uncommitted founding Member of the LGA Mutual.

The meeting closed at 9.22 pm

MINUTES OF A MEETING OF THE
HUMAN RESOURCES COMMITTEE HELD IN
THE ROOM 27, WALLFIELDS, HERTFORD
ON WEDNESDAY 25 JULY 2018, AT 6.00 PM

PRESENT: Councillor Peter Boylan (Chairman)
Councillors Mrs R Cheswright, S Cousins,
M McMullen, P Ruffles and M Stevenson

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Democratic Services Officer
Kate Leeke	- Interim Head of Human Resources and Organisational Development

125 APOLOGIES

An apology for absence was submitted on behalf of Councillor S Bull.

126 MINUTES

The Interim Head of Human Resources and Organisational Development drew Members' attention to some minor typographical errors in relation to Minute 76 (Human Resources Management Statistics Quarterly report)

- Paragraph 1 – line 8, delete “hours” and insert “posts”;

- Paragraph 1 – line 9, delete “posts” and “hours”

RESOLVED – that the Minutes of the meeting held on 4 July 2018 as now amended, be confirmed as a correct record and signed by the Chairman.

127 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Councillor R Cheswright, recently appointed to Human Resources Committee, to the meeting.

128 CLOSURE OF COUNCIL OFFICES ON CHRISTMAS EVE

The Interim Head of Human Resources and Organisational Development submitted a report on the proposed closure of the Council offices on Christmas Eve 2018. The Interim Head explained that Members had initially considered the issue at its meeting on 18 April 2018 when a decision had been made not to close the Council's offices. Following the strength of comments received as a result of that decision, which had been cascaded to staff, Members were asked to re-consider their earlier decision. She provided a summary of the report.

Councillor P Ruffles reflected on Members' views and concerns, including the views of the Local Joint Panel, when this was last considered. He referred to the previous arguments put forward to justify a closure on Christmas Eve, principally that Stevenage Borough Council, was also proposing to close its offices and that heating costs would be saved by East Herts. No decision had yet been made by Hertfordshire County Council.

Councillor P Ruffles accepted that some services needed to be available on Christmas Eve and said that because SBC had decided to close, East Herts did not have to follow their lead. Councillor M McMullen commented that he was not left with the impression that the management side had any strong feelings about the arrangement.

The Interim Head highlighted that there would be no IT support from SBC if there was a problem with East Herts' IT system. She explained that this matter had been raised initially via the staff forum and that when Leadership Team had originally considered the request, they had sought assurances that emergency arrangements would be in place within service areas. The report had been brought back to Members to consider their previous decision and this would reassure staff that the Council was listening to their views. She added that this situation would not arise again until 2029.

Councillor M Stevenson suggested that there could be consequences in not having IT support available as a result of SBC's Christmas closure and for the Council to be aware of this in terms of any future considerations.

The Interim Head referred to the previous report and explained the methods of how staff would be expected to take a day's leave to facilitate the Christmas Eve closure.

The Committee Chairman commented that he had discussed the situation with the Chief Executive and that Members had not realised the level of feedback from staff who were unhappy about the decision. He questioned why, given the potential impact of this decision on staff

morale staff were not being given the day off to accommodate the Christmas Eve closure. Councillor P Ruffles stated that the day was likely to have reduced levels of work and footfall and that many members of staff might be told to leave work early by their managers.

Councillor S Cousins stressed the need to have sufficient back up should there be an emergency and if these assurances had been given, his suggestion was to allow staff not to attend on Christmas Eve and this should happen without losing annual leave.

The Committee Chairman commented that the issue appeared to be that staff were being told to take the day off and then told to use a day's leave. He asked the Interim Head how Leadership Team might react to a suggestion of giving staff a day off without them having to give up a day's leave.

The Interim Head assured Members that the results of the staff survey showed the Council in a positive light and that the organisation as a whole, did not have low morale but that the response to their previous decision may affect morale. She added that communication and listening were always issues that could be improved upon. She commented that a decision to close the offices without staff having to lose a day's leave, would be seen as a positive outcome.

Councillor R Cheswright said that many businesses close on Christmas Eve but to tell staff the Council offices will close and lose a day's leave could not please many staff. She supported the suggestion to give staff the day off without losing a day's leave.

Councillor P Ruffles suggested that such a decision needed to be considered in the context of the fact that there would be no IT support and the strength of staff feeling and that this would go some way to showing staff that Members were listening.

It was moved by Councillor P Boylan and seconded by Councillor S Cousins, that the Council's offices be closed on 24 December 2018 and all staff would not be required to work that day or use a day's annual leave. After being put to the meeting and a vote taken, the recommendation was declared CARRIED.

RESOLVED - that (A) the earlier decision taken by Human Resources Committee be noted; and

(B) the Council's offices be closed on 24 December 2018. As a result of the closure, staff who are scheduled to work on 24 December 2018 will not be required to work on that day and will not be required to use annual leave on that day due to the decision to close.

The meeting closed at 6.40 pm

Chairman
Date

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