

# THORLEY PARISH COUNCIL



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Alison Stuart  
Head of Legal & Democratic Services  
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Wallfields, Pegs Lane  
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11<sup>th</sup> May 2018

Community Governance Review  
Bishop's Stortford Town Council

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

Dear Ms Stuart,

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

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

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

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

Yours sincerely

Cllr AKW Robins

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