

From: Hugh Craddock (BHS/EWD) ewd@craddocks.co.uk
Subject: Re: Parking in front of Derby Arms
Date: 25 June 2018 at 17:58
To: Liz Frost LFrost@epsom-ewell.gov.uk
Cc: Alex Stewart alexstewart013@gmail.com



Dear Liz

I have now received a short response from Mrs Amardip Healy, the council's Chief Legal Officer (and, in this context, presumably legal adviser to the conservators). I assume from Mrs Healy's words that her reply substitutes for that which you proposed to send following discussion with officers.

The reply is along the lines of: 'We have made a decision and let's see how it works out.' However, it will not do.

The letter of 22 June, on behalf of the British Horse Society, asked for clarification of the powers under which the board decided to proceed with the parking consent, and for an explanation, in the report to conservators, of the analysis of the duties imposed on the board.

I am sure you will agree that it is not unreasonable to ask for an explanation of the powers on which a statutory body relies in taking a decision of this kind, particularly where, as here, the powers conferred on the board are limited and confined to those set out in the 1984 Act. Our request is all the more apposite where the report to the board was unclear about the powers relied upon, and appeared to suggest that the board intended to establish new public car parks. We are, in short, entitled to know the statutory foundation for the board's decision. Please would you confer with officers and arrange for a reply which addresses the point? If the board cannot answer this straightforward question, it suggests that the board has made a decision which it has no power to make.

We also questioned the report's approach to its explanation of the duties imposed on the board in a decision of this kind. We were puzzled that the report did not refer to the sole relevant statutory duty — to 'preserve the Downs so far as possible in their natural state of beauty.' It may be that officers do not wish to enter into a debate on this aspect — but it does go to the heart of whether the decision was properly taken. We would welcome your views.

regards

Hugh

On 22 Jun 2018, at 11:22, Liz Frost <LFrost@epsom-ewell.gov.uk> wrote:

Dear Hugh

Thank you for your message. I will discuss with officers and will respond to you when I am able to.

Liz

Cllr Liz Frost – Residents' Association Councillor, Woodcote Ward (Epsom & Ewell Borough Council)
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