

Thurrock: A place of opportunity, enterprise and excellence, where
individuals, communities and businesses flourish

Extraordinary meeting of Council

To the Members of Thurrock Council

The next meeting of the Council will be held at **7.00 pm** on **26 August 2015**

Hassenbrook School, Main School Hall, Hassenbrook Rd, Stanford-le-Hope, Essex SS17 0NS

Membership of the Council:

Sue Gray (Mayor)
Cathy Kent (Deputy Mayor)

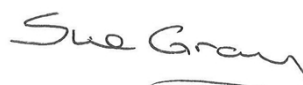
Tim Aker
Chris Baker
James Baker
Jan Baker
Clare Baldwin
Russell Cherry
Colin Churchman
Mark Coxshall
Leslie Gamester
Oliver Gerrish
Robert Gledhill
Yash Gupta (MBE)
Graham Hamilton
Garry Hague
James Halden
Shane Hebb

Terence Hipsey
Victoria Holloway
Barry Johnson
Roy Jones
Tom Kelly
John Kent
Martin Kerin
Charlie Key
Steve Liddiard
Brian Little
Susan Little
Sue MacPherson
Ben Maney
Tunde Ojetola
Bukky Okunade
Barry Palmer

Jane Pothecary
Robert Ray
Joycelyn Redsell
Barbara Rice
Gerard Rice
Andrew Roast
Peter Smith
Graham Snell
Richard Speight
Deborah Stewart
Michael Stone
Pauline Tolson
Kevin Wheeler
Lynn Worrall



David Bull
Interim Chief Executive



Councillor Sue Gray
Mayor of Thurrock

Agenda

Open to Public and Press

	Page
1 Apologies for absence	
2 Minutes	9 - 32
To approve as a correct record the Minutes of the meeting of the Council, held on 22 July 2015.	
3 Items of Urgent Business	
To receive additional items that the Mayor is of the opinion should be considered as a matter of urgency, in accordance with Section 100B (4) (b) of the Local Government Act 1972.	
4 Declaration of Interests	
To receive any declaration of interests from Members.	
5 Announcements on behalf of the Mayor or the Leader of the Council	
6 Frost Estate Community Governance Review	33 - 194
<ul style="list-style-type: none">• Introduction by David Bull, Interim Chief Executive and Director of Planning and Transportation.• Public Statements and Questions (45 minutes, subject to suspending standing orders).	
Each resident will be allowed up to 3 minutes to speak and have been included on the agenda in the order in which the request was received.	
<ul style="list-style-type: none">• Member Debate and Decision Making.	
7 Political Balance	195 – 202

8 Appointments to Committees and Outside Bodies, Statutory and Other Panels

The Council are asked to agree any changes to the appointments made to committees and outside bodies, statutory and other panels, as requested by Group Leaders.

9 Questions from Members of the Public

203 - 204

In accordance with Chapter 2, Part 2 (Rule 14) of the Council's Constitution.

Queries regarding this Agenda or notification of apologies:

Please contact Stephanie Cox, Senior Democratic Services Officer by sending an email to Direct.Democracy@thurrock.gov.uk

Future Dates of Council:

23 September 2015, 28 October 2015, 25 November 2015, 27 January 2016, 24 February 2016, 23 March 2016. 25 May 2016 (Annual Council)

Information for members of the public and councillors

Access to Information and Meetings

Members of the public can attend all meetings of the council and its committees and have the right to see the agenda, which will be published no later than 5 working days before the meeting, and minutes once they are published.

Recording of meetings

This meeting may be recorded for transmission and publication on the Council's website. At the start of the meeting the Chair will confirm if all or part of the meeting is to be recorded.

Members of the public not wishing any speech or address to be recorded for publication to the Internet should contact Democratic Services to discuss any concerns.

If you have any queries regarding this, please contact Democratic Services at Direct.Democracy@thurrock.gov.uk

Guidelines on filming, photography, recording and use of social media at council and committee meetings

The council welcomes the filming, photography, recording and use of social media at council and committee meetings as a means of reporting on its proceedings because it helps to make the council more transparent and accountable to its local communities.

If you wish to film or photograph the proceedings of a meeting and have any special requirements or are intending to bring in large equipment please contact the Communications Team at CommunicationsTeam@thurrock.gov.uk before the meeting. The Chair of the meeting will then be consulted and their agreement sought to any specific request made.

Where members of the public use a laptop, tablet device, smart phone or similar devices to use social media, make recordings or take photographs these devices must be set to 'silent' mode to avoid interrupting proceedings of the council or committee.

The use of flash photography or additional lighting may be allowed provided it has been discussed prior to the meeting and agreement reached to ensure that it will not disrupt proceedings.

The Chair of the meeting may terminate or suspend filming, photography, recording and use of social media if any of these activities, in their opinion, are disrupting proceedings at the meeting.

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You can view the agenda on your [iPad](#), [Android Device](#) or [Blackberry Playbook](#) with the free modern.gov app.

Members of the Council should ensure that their device is sufficiently charged.

To view any “exempt” information that may be included on the agenda for this meeting, Councillors should:

- Access the modern.gov app
- Enter your username and password

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

Breaching those parts identified as a pecuniary interest is potentially a criminal offence

Helpful Reminders for Members

- *Is your register of interests up to date?*
- *In particular have you declared to the Monitoring Officer all disclosable pecuniary interests?*
- *Have you checked the register to ensure that they have been recorded correctly?*

When should you declare an interest *at a meeting*?

- **What matters are being discussed at the meeting?** (including Council, Cabinet, Committees, Subs, Joint Committees and Joint Subs); or
- If you are a Cabinet Member making decisions other than in Cabinet **what matter is before you for single member decision?**



Does the business to be transacted at the meeting

- relate to; or
- likely to affect

any of your registered interests and in particular any of your Disclosable Pecuniary Interests?

Disclosable Pecuniary Interests shall include your interests or those of:

- your spouse or civil partner's
- a person you are living with as husband/ wife
- a person you are living with as if you were civil partners

where you are aware that this other person has the interest.

A detailed description of a disclosable pecuniary interest is included in the Members Code of Conduct at Chapter 7 of the Constitution. **Please seek advice from the Monitoring Officer about disclosable pecuniary interests.**

What is a Non-Pecuniary interest? – this is an interest which is not pecuniary (as defined) but is nonetheless so significant that a member of the public with knowledge of the relevant facts, would reasonably regard to be so significant that it would materially impact upon your judgement of the public interest.

Pecuniary

If the interest is not already in the register you must (unless the interest has been agreed by the Monitoring Officer to be sensitive) disclose the existence and nature of the interest to the meeting

If the Interest is not entered in the register and is not the subject of a pending notification you must within 28 days notify the Monitoring Officer of the interest for inclusion in the register

Unless you have received dispensation upon previous application from the Monitoring Officer, you must:

- Not participate or participate further in any discussion of the matter at a meeting;
- Not participate in any vote or further vote taken at the meeting; and
- leave the room while the item is being considered/voted upon

If you are a Cabinet Member you may make arrangements for the matter to be dealt with by a third person but take no further steps

Non- pecuniary

Declare the nature and extent of your interest including enough detail to allow a member of the public to understand its nature



You may participate and vote in the usual way but you should seek advice on Predetermination and Bias from the Monitoring Officer.

PROCEDURE FOR MOTIONS

No speech may exceed 3 minutes without the consent of the Mayor [Rule 19.8], except for the proposer of any motion who shall have 5 minutes to move that motion (except on a motion to amend where the 3 minute time shall apply) [Rule 19.8(a)]

All Motions will follow Section A and then either Section B or C

- | | | | |
|-----------|----|--|----------------------------|
| A. | A1 | Motion is moved | [Rule 19.2] |
| | A2 | Mover speaks | [Rule 19.8(a) (5 minutes)] |
| | A3 | Seconded | [Rule 19.2] |
| | A4 | Secunder speaks or reserves right to speak | [Rule 19.3] (3 minutes) |

Then the procedure will move to either B or C below:

B.		C.	
IF there is an AMENDMENT (please see Rule 19.23)		If NOT amended i.e. original motion	
B1	The mover of the amendment shall speak (3 mins).	C1	Debate
B2	The seconder of the amendment shall speak unless he or she has reserved their speech (3 mins).	C2	If the seconder of the motion has reserved their speeches, they shall then speak
B3	THEN debate on the subject .	C3	The mover of the substantive motion shall have the final right of reply
B4	If the seconder of the substantive motion and the amendment reserved their speeches, they shall then speak	C4	Vote on motion
B5	The mover of the amendment shall have a right of reply		
B6	The mover of the substantive motion shall have the final right of reply		
B7	Vote on amendment		
B8	A vote shall be taken on the substantive motion, as amended if appropriate, without further debate		

Vision: Thurrock: A place of **opportunity**, **enterprise** and **excellence**, where **individuals**, **communities** and **businesses** flourish.

To achieve our vision, we have identified five strategic priorities:

1. Create a great place for learning and opportunity

- Ensure that every place of learning is rated “Good” or better
- Raise levels of aspiration and attainment so that residents can take advantage of local job opportunities
- Support families to give children the best possible start in life

2. Encourage and promote job creation and economic prosperity

- Promote Thurrock and encourage inward investment to enable and sustain growth
- Support business and develop the local skilled workforce they require
- Work with partners to secure improved infrastructure and built environment

3. Build pride, responsibility and respect

- Create welcoming, safe, and resilient communities which value fairness
- Work in partnership with communities to help them take responsibility for shaping their quality of life
- Empower residents through choice and independence to improve their health and well-being

4. Improve health and well-being

- Ensure people stay healthy longer, adding years to life and life to years
- Reduce inequalities in health and well-being and safeguard the most vulnerable people with timely intervention and care accessed closer to home
- Enhance quality of life through improved housing, employment and opportunity

5. Promote and protect our clean and green environment

- Enhance access to Thurrock's river frontage, cultural assets and leisure opportunities
- Promote Thurrock's natural environment and biodiversity
- Inspire high quality design and standards in our buildings and public space

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100 Years in Memoriam

Remembering Thurrock's Fallen of World War One

Each month during the centenary period of the First World War, Thurrock Council will pay tribute to the 834 local residents known to have lost their lives due to causes associated with the war and their service. At each meeting of Council until November 2018, the 100th anniversary of signing of the Armistice with Germany, a Roll of Honour will be published with the agenda detailing the casualties from that month 100 years ago to commemorate the sacrifice made by Thurrock residents.

August 1915

DATE	SURNAME	FIRST NAME	AGE	WARD	RANK	SERVICE	DIED
01-Aug	ELLIOTT	NELSON WILLIAM	19	TIL	KIA	2/CORPL	TURKEY
02-Aug	BRUCE	JAMES	28	G	DIED	SAPPER	HOME
06-Aug	DRISCOLL	SIMPSON GASH	18	G	KIA	PTE	TURKEY
06-Aug	SMITH	THOMAS WILLIAM	35	G	KIA	SGT	TURKEY
06-Aug	WARREN	FREDERICK SYDNEY	18	SLH	KIA	PTE	TURKEY
06-Aug	RUMBLE	FREDERICK JAMES	20	AVE	KIA	PTE	TURKEY
06-Aug	BEAUMONT	REUBEN THOMAS WILLIAM	26	PUR	KIA	PTE	TURKEY
06-Aug	NEWTON	GEORGE WILLIAM	22	PUR	KIA	PTE	TURKEY
06-Aug	SAICH	ARCHIBALD JAMES	26	PUR	KIA	PTE	TURKEY
06-Aug	HOLLOWBR EAD	ERNEST JOHN	24	CORR	KIA	L/CPL	TURKEY
06-Aug	SMITH	FREDERICK ERNEST	29	S.OCK	KIA	PTE	TURKEY
06-Aug	JUDD	ERNEST	25	ORS	KIA	PTE	TURKEY
06-Aug	THURGOOD	JOHN HOWARD	25	W/TH	KIA	PTE	TURKEY
09-Aug	GREEN	WILLIAM EDWIN	18	G & L/TH	KIA	SAPPER	BELGIUM
27-Aug	BETTIS	CHRISTOPHER CHARLES	24	SLH & MUCK	KIA	L/CPL	FRANCE

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Minutes of the Meeting of the Council held on 22 July 2015 at 7.00 pm

Present: Councillors Sue Gray (Mayor), Cathy Kent (Deputy Mayor), Tim Aker, Chris Baker, James Baker, Jan Baker, Clare Baldwin, Russell Cherry, Colin Churchman, Mark Coxshall, Leslie Gamester, Oliver Gerrish, Robert Gledhill, Yash Gupta (MBE) (left at 8.32 pm), Graham Hamilton, James Halden, Shane Hebb, Terence Hipsey, Victoria Holloway (from 7.04 pm), Barry Johnson, Roy Jones, John Kent, Martin Kerin, Charlie Key, Steve Liddiard, Brian Little, Susan Little, Sue MacPherson, Ben Maney, Tunde Ojetola (from 7.02 pm), Bukky Okunade, Jane Potheary, Robert Ray, Joycelyn Redsell, Barbara Rice, Gerard Rice, Andrew Roast, Peter Smith, Graham Snell, Richard Speight, Deborah Stewart, Michael Stone, Pauline Tolson, Kevin Wheeler and Lynn Worrall

Apologies: Councillors Terry Brookes, Garry Hague, Tom Kelly and Barry Palmer

In attendance: David Bull, Interim Chief Executive & Director of Planning and Transportation
Steve Cox, Assistant Chief Executive
Barbara Brownlee, Director of Housing
Carmel Littleton, Director of Children's Services
Roger Harris, Director of Adults, Health and Commissioning
Sean Clark, Head of Corporate Finance
Mike Heath, Head of Environment
Jackie Hinchliffe, Head of HR, OD & Transformation
Karen Wheeler, Head of Strategy & Communications
David Lawson, Deputy Head of Legal and Monitoring Officer
Matthew Boulter, Principal Democratic Services Officer
Stephanie Cox, Senior Democratic Services Officer

Before the start of the Meeting, all present were advised that the meeting may be filmed and was being recorded, with the audio recording to be made available on the Council's website.

34. Apologies for absence

The Mayor apologised on behalf of Councillor Kelly, who was running late to the meeting.

Councillor Ojetola arrived at the meeting at 7.02 pm and Councillor Holloway arrived at 7.04 pm.

35. Minutes

The Minutes of Council, held on 24 June 2015, were approved as a correct record.

Councillor S. Little requested that the transcript of Public and Members questions be included in the printed agenda alongside the minutes in future, as she had requested at earlier meetings.

Councillor J. Kent observed that he could see no problem with the transcript of Public and Members questions being included alongside the minutes within future agendas, to which it was subsequently agreed.

36. Items of Urgent Business

The Mayor informed the Council that she had not agreed to the consideration of any items of urgent business.

37. Declaration of Interests

There were no interests declared.

38. Announcements on behalf of the Mayor or the Leader of the Council

The Mayor advised that since the last meeting of Council she had the pleasure of attending a variety of events, which included the unveiling of Thurrock's latest Heritage Plaque at the London Cruise Terminal in Tilbury and visiting schools and having afternoon tea.

The Mayor informed Members that Coalhouse Fort would be hosting a World War One Commemorative Sports Day on 24 August 2015 from 11.00 am to 3.00 pm and that visitors would have the opportunity to participate in sporting tournaments throughout the day as the soldiers did at Coalhouse Fort in 1915, in addition to interactive tours by Creative Blast where visitors could learn about stories from the Fort and re-enactments by the Great War Society.

The Mayor informed the Chamber that at the event the Engine Room Café would also be launched, which was completed as part of the Heritage Lottery Fund at Coalhouse Fort.

The Mayor further reported that the 7th Big Lunch event would be held the following week on Wednesday 29 July 2015 from 11.00 am to 3.00 pm in Grays Town Park and that she hoped as many members as possible would be able to attend.

The Mayor informed Members that she had put St Luke's Hospice donation boxes in each of the group offices and that the total money donated would be announced at the Council meeting in September.

The Mayor advised that the extraordinary meeting of Council to discuss matters relating to the Frost Estate and the proposal to create a parish council would be held on Wednesday 26 August from 7.00 pm in the main hall at Hassenbrook School.

Members were informed that residents of the Frost Estate would be receiving letters in the post the following week inviting them to the meeting and a formal notification and diary invitation to Members would be circulated following the meeting.

The Mayor further advised that a revised political balance calculation would also be ratified at the extraordinary Council meeting in August.

The Leader of the Council, Councillor J. Kent, made the following announcement:

As everyone will know, yesterday we announced that the contract with our strategic partner, Serco, will end in November.

Also, as everyone will understand, the negotiations to end such a large and complicated contract have been long and detailed; the negotiations also include what can and what should not be said publicly. So tonight's statement is worded very carefully.

The contract costs Thurrock Council around £20 million every year – Serco admit that.

We have agreed to pay just under £10 million to end the contract – a lot of money, but only half what we have paid Serco – and before that Vertex – since 2005, and would pay them for the next five years too.

Obviously it's not quite that simple, but we know that in these times of austerity we would rather any profits, so to speak, went direct on services to local people rather than Serco's shareholders.

That money is not simply a pay-off, but includes things like computer equipment and telephony that will transfer back, as well as some sub-contractor costs – but admittedly there is a loss of profit payment within it.

This is not the time to detail the savings to the council – and council taxpayers of Thurrock – that will become clear over the coming months as we analyse the future savings we have to make, here in the chamber, in cabinet, in overview and scrutiny and in the public meetings we will be holding.

However it is clear that there will be major savings of between £3½ million and £4 million every year.

Back in 2004 when the contract was signed, times were very different, local authorities had money and it was thought the so-called efficiencies of the private sector would improve services in the public sector.

Eleven years on and things have changed, yet the contract signed all those years ago did not allow for our contractor's services to change with the times.

As you can tell from this we are looking at all of our outsourced services and staff – Billfinger for example – with a view to closely examining the advantages and disadvantages of bringing them back in-house or not.

I don't want to commit to making any further decisions here tonight, but I do know the hard work and effort our facilities management team and others put in on behalf of local people and I want us to find the best way forward for them and us too.

Finally tonight, I'd like to assure the 350 or so people who will be returning to the council that we will be working very closely with Serco to make that move as smooth as possible over the coming months – we value their expertise and experience, and we are looking forward to them joining the Thurrock Council family.

39. Questions from Members of the Public

A copy of the transcript of questions and answers can be viewed under the relevant meeting date at <http://democracy.thurrock.gov.uk/thurrock>

40. Petitions from Members of the Public and Councillors

The Mayor informed Members that, in accordance with the Council's Petition Scheme, the requisite notice had been given by two members of the public and one Councillor who wished to present a petition at the meeting.

Mr Coleman presented a petition on behalf of 1084 residents of Chafford Hundred, which called on the Council to immediately review the service it provides to the residents of Chafford Hundred, particularly in regards to the environment, public protection, road safety and traffic.

Councillor Redsell presented a petition on behalf of residents of Parkside, Grays, which called on the Council to introduce a one-way system between King Edward Drive and Woodview.

Mrs Harper presented a petition on behalf of residents of Baker Street and Woolings Row in Orsett, which objected to the proposed traffic regulation order to make Baker Street (Woolings Row) a no waiting area from Woolings Row and up to and including Foxhound Riding School.

41. Petitions Update Report

Members received a report on the status of those petitions handed in at Council Meetings and Council Offices over the past six months.

42. Appointments to Committees and Outside Bodies, Statutory and Other Panels

The Mayor enquired whether Group Leaders wished for any changes to be made to the appointments previously made to Committees and outside bodies, statutory and other panels.

The Leader of the Council apologised that Councillor Brookes was not in attendance to present his Communities and Public Protection Cabinet Member Report and answer the questions that had been submitted. The Leader of the Council remarked that this, combined with his non-attendance at the previous meeting, was unacceptable and as a result declared that Councillor Potheary would replace Councillor Brookes as Cabinet Member for Communities and Public Protection.

As a result of the appointment of Councillor Potheary to the Cabinet, the Leader of the Council informed the Chamber that he wished to make the following changes:

- for Councillor Kerin to be appointed as a member of the Children's Services Overview and Scrutiny Committee to replace Councillor Potheary.
- for Councillor Liddiard to be appointed as a member of the Health Overview and Scrutiny Committee to replace Councillor Potheary.
- for Councillor Potheary to be removed from the membership of the Licensing Committee, and for the appointment to the Labour vacancy created to be confirmed at a later date.

As a result of the appointment of Councillor Kerin to the membership of the Children's Services Overview and Scrutiny Committee, he would thereby cease to be a substitute for that Committee.

The Leader of the Conservative Group confirmed that he did not wish to make any changes to appointments that had previously been made.

The Leader of the UKIP group informed the Chamber that he wished to make the following change, in light of the resignation of Councillor Churchman from the UKIP group:

- for Councillor Churchman to be removed from the membership of the Planning Committee, and for the appointment to the UKIP vacancy created to be confirmed at a later date.

At 7.27 pm there was a disturbance from the Public Gallery, during which the Mayor warned the person concerned not to interrupt, when the individual continued to do so he was removed from the meeting.

Councillor Ray, Independent Member, confirmed that he did not wish to make any changes to appointments that had previously been made but advised that changes would be made at the next Council meeting.

The Mayor advised that she had accepted a request from Councillor Churchman to make a short statement.

Councillor Churchman thanked the Mayor for allowing him to make a short statement in light of his recent resignation from the UKIP group. Councillor Churchman explained the reason for his resignation was because he felt that the leader of the group had tried to use his influence and position to interfere with his work and as a result advised that he had decided to resign in order to maintain his integrity.

The Mayor permitted Councillor Snell, Leader of the UKIP Group the right to reply.

In response Councillor Snell, Leader of the UKIP Group, stated that he had consulted with the Monitoring Officer and was confident that he had neither said anything unreasonable to Councillor Churchman nor made any unreasonable requests of him. He said that as had been reported in the press, the group had hoped to benefit of Councillor Churchman's years of experience, but it proved difficult to do so as Councillor Churchman refused to attend meetings to resolve some of the issues which he had felt strongly about. Councillor Snell observed that communication was important and that a failure to communicate nearly always resulted badly.

Councillor Snell accepted that he and Councillor Churchman did not agree regarding the decision that had been exercised by Councillor Churchman, and whilst recognising that Councillor Churchman's resignation was on a point of principle and a courageous thing to do, he called on Councillor Churchman to act again on a point of principle and do what he believed would be the courageous thing to do, to put his seat up for a by-election in order for the residents of Stanford East and Corringham Town to have their say on the matter.

Members voted unanimously in favour of the changes to Appointments to Committees and Outside Bodies, Statutory and Other Panels.

RESOLVED:

- 1. That Councillor Kerin be appointed as a member of the Children's Services Overview and Scrutiny Committee to replace Councillor Potheary; and thereby for Councillor Kerin to be removed as a substitute for that Committee.**
- 2. That Councillor Liddiard be appointed as a member of the Health Overview and Scrutiny Committee to replace Councillor Potheary.**
- 3. That Councillor Potheary be removed from the membership of the Licensing Committee, and for the appointment to the Labour vacancy created to be confirmed at a later date.**

4. **That Councillor Churchman be removed from the membership of the Planning Committee, and for the appointment to the UKIP vacancy created to be confirmed at a later date.**

Addendum to the Minutes:

Subsequent to the meeting it was clarified that Councillor Liddiard should have also been appointed as Vice-Chair of the Health Overview and Scrutiny Committee, following his replacement of Councillor Potheary as Member and Vice-Chair of the Committee.

Group Leaders were consulted and for clarity it was agreed for Councillor Liddiard to be appointed as the Vice-Chair of the Health Overview and Scrutiny Committee to replace Councillor Potheary, ahead of the next meeting scheduled for September.

5. **That Councillor Liddiard be appointed Vice-Chair of the Health Overview and Scrutiny Committee to replace Councillor Potheary.**

43. Annual Overview and Scrutiny Report 2014/15

The Mayor advised Members that the report introduced the Overview and Scrutiny Annual Report for 2014-15, which in accordance with the Council's Constitution, should be presented to Council each year in order to detail the work of the six Overview and Scrutiny Committees and their main achievements.

Upon being put to the vote, Members voted unanimously in favour of the recommendation, whereupon the Mayor declared this to be carried.

RESOLVED:

That the contents of the Overview and Scrutiny Annual Report 2014-15 be noted.

44. Review of Members' Allowances - Report of the Joint Independent Remuneration Panel

The Mayor advised that the Monitoring Officer had received and accepted proposed amendments for the recommendations contained within the report from Councillor J. Kent and Councillor Gledhill, details of which had been circulated electronically to all members in advance and tabled at the meeting.

Prior to the meeting a typographical error in the printed report was brought to the attention of Members, as there were two recommendations numbered as 1.2. For clarification the second recommendation 1.2 in the printed report was subsequently referred to as 1.2.1.

The Mayor advised Members on the process for dealing with both amendments at the meeting.

Councillor J. Kent, the Leader of the Council first proposed his amendments to the recommendations contained within the report which included:

- To insert '*i) Portfolio Holders*' at recommendation 1.2.1
- To delete recommendation 1.4 in the printed report, which was '*The SRA for portfolio holders is increased to 130% of the Basic Allowance or £11,275.*'

Upon being put to the vote, Members voted unanimously in favour of the proposed amendments detailed above, whereupon the Mayor declared these to be carried.

Councillor J. Kent, the Leader of the Council, then introduced the report which set out the recommendations of the Joint Independent Remuneration Panel following its review of Members Allowances, which was undertaken every 4 years.

Councillor J. Kent remarked that although the increased allowance for Cabinet Members would be welcome, it was not reasonable for the additional allowance to be accepted in light of the budget savings faced and the impact on public services. He further observed that he felt it was appropriate the Leader of the UKIP group, as a group that had more than 4 members but was not the main opposition group, should be paid a Special Responsibility Allowance (SRA) of 25% of the Basic Allowance for the time dedicated.

Councillor Gledhill agreed that no Members needed an increase to their allowances during a time when the authority needed to deliver budget savings but remarked that he found the report to be contradictory. He further advised that he was unhappy how the remuneration had been calculated and that he wanted a full review of the support provided to Members to be undertaken in order to demonstrate value for money and provide clarity to Members, which included the supply of laptops, printers, paper, ink cartridges and support from back office Member Services staff.

As a result, Councillor Gledhill proposed his amendment to recommendation 1.2 in the printed report, which was seconded by Councillor Hebb, which read as follows:

"That the relevant Overview and Scrutiny Committee carries out a full review of support to members to ensure more open and transparent use of public funds."

Councillor J. Kent opposed the suggested amendment, which if agreed would overturn the independent panel's recommendations, as he felt it was inappropriate for the Council to instruct an independent panel to undertake a review and determine recommendations, which could then be disregarded and subjected to an internal Overview and Scrutiny process led by Members.

He further explained that he felt it would be inappropriate for the Council Tax Payer, who faced cuts to their own household budget and services, to fund Councillors ICT equipment and printing.

In response Councillor Gledhill explained that it was not his expectation that Council Tax Payers should fund Councillors laptops and printing, but rather that a review of support provided to Members should be undertaken to demonstrate value for money and transparency.

Councillor J. Kent observed that there could only be two outcomes of an Overview and Scrutiny Review, either keeping the process the same or overruling the recommendation of independent panel which would result in Members printing, postage and stationery costs being borne by the Council Tax Payer.

Councillor Halden declared a Point of Order and asked Councillor J. Kent to withdraw his comment, as he felt a review would be beneficial to identify what Member support worked well and what could be improved, in order to demonstrate value for money on contracts and operational matters.

A brief debate took place on the level of support provided to all Members, particularly in relation to Member Services staff.

Councillor Coxshall explained that he was concerned that the report of the independent panel confused matters further, in particular relation to the proper conduct of Members in the use of Council stationery and postage and whether Member Services Officers should assist with such requests.

Councillor B. Rice felt that the matter was being unnecessarily overcomplicated and that it was morally correct that Members should not be accepting an increase in allowances.

Councillor Speight echoed that the report had been compiled by an independent panel and felt that their recommendations should be endorsed.

A number of Members felt that the debate had been unnecessarily extended and would not help promote a positive public image of Elected Members.

Councillor J. Kent suggested that the Corporate Overview and Scrutiny Committee could investigate the matter further if the Chair, Councillor Hebb, wished.

Councillor Coxshall declared a Point of Order and felt that a vote should be undertaken, following which Councillor Gledhill proposed that he would withdraw his proposed amendment if the original recommendation 1.2, as printed in the report, was also removed.

Members indicated their agreement for recommendation 1.2 to be withdrawn, along with the proposed amendment that had been submitted by Councillor Gledhill.

Upon being put to the vote, Members voted unanimously in favour of the recommendations, which included Councillor J. Kent's earlier amendments, whereupon the Mayor declared these to be carried.

RESOLVED:

1. **There is no change to the current Basic Allowance payable to Thurrock councillors (remaining at £8,670 per annum for Thurrock Councillors).**
2. **There is no change to the Special Responsibility Allowances (SRAs) for the following positions:**
 - a) **The Leader of the Council**
 - b) **The Deputy Leader of the Council**
 - c) **The Chair of Planning Committee**
 - d) **The Vice-chair of Planning Committee**
 - e) **The Chairs of Overview and Scrutiny Committees**
 - f) **The Vice-chairs of Overview and Scrutiny Committees**
 - g) **The Chair of Licensing Committee**
 - h) **The Vice-chair of Licensing Committee**
 - i) **The Chair of Standards and Audit Committee**
 - j) **The Leader of the Main Opposition Group**
 - k) **The Deputy Leader of the Main Opposition Group**
 - i) **Portfolio Holders**
3. **The Allowances Scheme be made clear that the qualification of 16 seats (or one third of the seats on Council) is required for a group to attract an allowance for the Deputy Leader of the Main Opposition Group.**
4. **Leaders of other opposition groups, which have more than four members but are not the main opposition group, should be paid an SRA of 25% of the Basic Allowance (£2,165) and that this is added to the Allowances Scheme.**
5. **The Chair of the Health and Well-being Board does not receive an SRA.**
6. **The Allowance Scheme continues to prohibit the receipt of more than one SRA regardless of the number of remunerated posts a Member may hold.**
7. **The allowance for ordinary co-optees on the Standards and Audit Committee remain unchanged.**
8. **The allowance for statutory co-optees on overview and scrutiny committees is reduced to £260 per annum in line with Southend Borough Council.**

9. **The Civic Allowances for the Mayor and Deputy Mayor remain unchanged.**
 10. **Allowances for the following remain unchanged:**
 - a) **Dependants Carers' Allowance**
 - b) **Subsistence Allowance**
 - c) **Travelling Allowances**
 11. **The remuneration for the Independent Persons in relation to disciplinary action against a statutory officer remain at £500 with the Panel reviewing this in later years.**
 12. **Basic Allowances, SRAs and co-optees' allowances are indexed to the annual percentage salary increase.**
 13. **Mileage allowance is adjusted in line with Her Majesty's Revenue and Customs rates.**
 14. **Subsistence Allowance to be indexed to the same percentage increase that may be applied by the Council to officer subsistence allowances.**
 15. **Child Care rates are indexed to the national minimum wage applicable to the age of the carer.**
- 45. Thurrock Health and Wellbeing Board - Change to Membership**

Councillor B. Rice, Deputy Leader of the Council and Cabinet Member for Adult Social Care and Health, introduced the report which requested changes to Membership of the Thurrock Health and Wellbeing Board and set out the revised Terms of Reference.

Councillor Key observed that the board had grown in size over recent years, but that it was important to ensure it could still function on a strategic level in future.

Councillor B. Rice explained that it was important the board worked with partners but agreed that it was imperative the board functioned on a strategic level and noted the concern expressed.

Upon being put to the vote, Members voted unanimously in favour of the recommendations, whereupon the Mayor declared these to be carried.

RESOLVED:

1. **That Council agree to NHS Providers NELFT, SEPT, and BTUH becoming members of Thurrock Health and Wellbeing Board;**

2. **That Council agree to Thurrock CVS becoming a member of Thurrock Health and Wellbeing Board;**
3. **That Council agree to Thurrock CCG's Executive Nurse becoming a member of Thurrock Health and Wellbeing Board; and**
4. **That subject to agreement to recommendations 1.1 – 1.3, Council agrees the amended Terms of Reference for the Health and Wellbeing Board.**

46. Report of the Cabinet Member for Children's Social Care

Councillor Okunade, Cabinet Member for Children's Social Care, introduced the report and, in doing so, highlighted some of the key achievements of the Portfolio, which included:

- That the Multi-Agency Safeguarding Hub (MASH) had produced some positive media headlines and that it was expanding its role to include the piloting of the First Response Team to increase capacity to focus cases appropriately towards early intervention, where appropriate to the levels of need and risk.
- That the MASH brought together a variety of agencies into an integrated co-located multi agency team where information was shared appropriately and securely on children, families and adults to prevent the escalation of problems.
- That the Troubled Families programme focused on families with worklessness, poor school attendance and anti-social behaviour and officers continued to work closely with partners.
- That the Thurrock Local Safeguarding Children's Board had continued to be proactive within the community, in order to raise awareness on safeguarding, promote online safety and prevent sexual exploitation and grooming.
- That the numbers of Looked After Children in Thurrock had risen over recent years but the service was committed to supporting families to enable children and young people to stay safely in their own home wherever possible and appropriate.

The Cabinet Member thanked all the staff, Children in Care Council, Young Peoples groups and foster carers for their hard work and congratulated the Youth Offending Service for their achievements.

Members questioned the Cabinet Member and received responses as follows:

- Councillor S. Little questioned why Looked After Children in therapeutic foster care placements experienced significantly better life outcomes than those in Thurrock placements and what the Cabinet Member was doing to close the gap.

The Cabinet Member advised that it was difficult to make comparisons and that all Thurrock Looked After Children had the

same level of care, with many children were doing well and had good outcomes later in life.

- Councillor Halden highlighted that the report identified that spending on agency staff remained a high risk area for the budget. Whilst he appreciated the service was demand led, he observed that the spending on Thurrock's own staff was not, and questioned what the Cabinet Member was doing to ensure that spending on agency staff did not pose a risk to the budget.

The Cabinet Member advised that the retention of staff was a national issue and that Thurrock competed with London Borough's in the recruitment of staff.

- Councillor MacPherson highlighted that there were only seven lines in the report regarding the support provided to care leavers and argued that more work needed to be dedicated to care leavers in order to help them achieve improved outcomes, such as in securing and holding down tenancies. She further reported that the figure of those care leavers being recorded in employment, education and training was very poor – with a documented increase from 35% to only 42% – that was well below the 70% aspirational target. She questioned what plans and timescales the Cabinet Member had to improve the figures detailed within the report.

The Cabinet Member advised that it was the ultimate aim of the service to ensure that 100% of care leavers, without complex disabilities or mental health issues, were in continuous employment, education or training and assured Councillor MacPherson that she would monitor progress against this.

In response Councillor MacPherson felt that this issue should not just be monitored and requested the Cabinet Member to provide a written response outside of the meeting to detail what the service was doing to improve the outcomes of care leavers and those in employment, education and training, including timescales.

Councillor Okunade confirmed that she would provide a written response following the meeting and that it was important to monitor progress.

47. Report of the Cabinet Member for Communities and Public Protection

The Mayor advised that the item would be withdrawn following the Leader of the Council's earlier announcement, and that the report would be rescheduled for debate at a later date.

48. Questions from Members

The Mayor informed the Chamber that one question had been submitted to the Leader and a further three questions to Cabinet Members, Committee Chairs and Member appointed to represent the Council on a Joint Committee.

Councillor Redsell confirmed that she wished to withdraw her two questions submitted to the Cabinet Member of Communities and Public Protection, in light of Councillor J. Kent's earlier announcement, and that she would resubmit for the following meeting.

A copy of the transcript of questions and answers can be found at Appendix A to these Minutes.

49. Reports from Members representing the Council on Outside Bodies

There were no reports from Members representing the Council on outside bodies.

50. Minutes of Committees

The Minutes of Committees, as set out in the Agenda, were received.

51. Update on motions resolved at Council during the previous year

Members received an information report updating them on progress in respect of Motions resolved at Council over the past year.

52. Motion submitted by Councillor Ojetola

The Motion, as printed in the Agenda, was proposed by Councillor Ojetola and seconded by Councillor Gledhill. The Motion read as follows:

"Radicalisation of youths seems to be quite rampant, doing nothing is not an option as parents are losing their children to extremism. We call on Thurrock Council to create a member led committee to co-ordinate a multi-agency approach to tackle the threat of extremism and radicalisation in line with our Duty to Prevent".

Councillor Ojetola introduced the motion, and in doing so explained that it was vital Thurrock did not become complacent as young people from all backgrounds could be radicalised online and through the use of social media.

Councillor J. Kent welcomed the motion and explained a lot of work was being undertaken to ensure this was not an issue in Thurrock, however recognised that it was important not to be complacent. He proposed that the Constitution Working Group draft the Terms of Reference for the Member led group so that it could be referred and adopted by Council in September, which was agreed by all Members.

Councillor Gledhill welcomed the fact that there was political consensus and felt that the Member led group would be able to take a considered approach to prevent young people from being radicalised in Thurrock, stating that even one person would be one person too many.

Councillor Okunade expressed her support for the motion in order to be vigilant.

Councillor Gupta commented that there were excellent community relationships in Thurrock to prevent such issues and that it was important all strands of the community worked together.

Councillor Hebb stated that Civic Leadership on such issues was important.

Councillor Ojetola remarked that he was pleased there were no reported cases in Thurrock, welcomed the proposal for the Constitution Working Group to draft the Terms of Reference and stated that learning about such issues – and atrocities of the Holocaust – were important so that young people could learn lessons from history.

Upon being put to the vote, Members voted unanimously in favour of the Motion, whereupon the Mayor declared the motion was carried.

RESOLVED:

Radicalisation of youths seems to be quite rampant, doing nothing is not an option as parents are losing their children to extremism. We call on Thurrock Council to create a member led committee to co-ordinate a multi-agency approach to tackle the threat of extremism and radicalisation in line with our Duty to Prevent.

At 8.32 pm Councillor Gupta left the meeting.

53. Motion submitted by Councillor Aker

The Motion, as printed in the agenda, was proposed by Councillor Aker and seconded by Councillor Smith. The Motion read as follows:

“The Council calls on the Cabinet to initiate a local referendum for the residents of Greenwood House, Butler House and Davall House in Grays, to ask whether they accept demolition of the three blocks and the Council's proposals so far to re-house the residents. The Council calls for this referendum to be held before further consultation is carried out.”

Councillor Aker introduced the motion and in doing so reported that residents of the three blocks affected had attended surgeries to ask questions regarding the proposals. He expressed concerns that those who wanted to leave were being offered a reported sum of £4,000 and would be placed on a higher priority band of the Council's Housing Waiting List, thereby disadvantaging other residents in need of Council housing. He further felt that residents

should be given an opportunity to have their views heard and to be able to petition the Council in order to trigger a local referendum.

Councillor S. Little observed that she had worked alongside a previous Councillor on similar proposals in the past where extensive consultations had been undertaken, during which concerns had been highlighted regarding where the residents would be housed, how long the process would take, and the loss of Council properties. She reported that there were similar high rise blocks in Grays and Chadwell-St-Mary but also recognised that if the Council was committed to the regeneration of Grays a brave decision would need to be taken. She further explained that she felt a strong business plan needed to be developed so that a clear decision could be made, and that she did not think the considerable cost of a referendum would help the Council deliver the strong vision.

Councillor Worrall explained that Thurrock had a long and proud history of consulting with residents and did not think that a referendum would be beneficial in this case. She reported that a referendum would cost the Council a considerable sum of money and would not be able to deliver what the residents wanted, as a referendum by its virtue implied that whatever vote won would prevail. She explained that if a vote was won to demolish the blocks this may not be possible to deliver as the proposals had not yet been developed enough at this stage to identify all possible outcomes.

Councillor Worrall further reported that if the motion was agreed and a referendum undertaken, this would require the Council to cease all consultation and stop talking with local residents, and that this would be an undesirable outcome for all concerned. As a result she felt the motion was ill thought through and poorly timed, following a substantial consultation period with local residents that included:

- In October 2014 the first residents meeting of the steering group had been held, which had met each month since in order to communicate and consult on the proposals.
- That in September 2014 a consultation was held and 377 responses received.
- In March-June 2015 a further second consultation was undertaken to which 202 responses were received.
- Two meetings had been held in June and July 2015, which had been attended by over 100 leaseholders and tenants.
- That a cross-party Housing Regeneration Development Board had been established, the first meeting of which was expected to take place the following week in order to discuss the future of the six high rise tower blocks in Grays, not just the three mentioned in the motion.
- That a third of the residents of the blocks referenced in the motion were taking actions to leave.
- That numerous reports had been referred to Cabinet for Members consideration, in order to reach the best decision.

Councillor Kerin thanked Councillor Aker for this motion, but added that he could not support the motion as he felt that it was a blunt instrument that was not an appropriate means of engagement with residents which would prevent any consultation from taking place.

Councillor Halden felt that the Council Consultation process was not fit for purpose, especially on planning matters, and observed that the consultation responses received had been poor. He felt that a referendum was a good opportunity for local residents to have their say.

Councillor Hebb advised Members of the definition of a referendum and felt that there was more work to do before a referendum could be held. He added that he was nervous of setting groups, parties and residents against each other and explained that a referendum inferred that a decision would be made on the outcome, which would not be the case in this instance. He further reported that spending money from the Housing Revenue Account (HRA) on a referendum with no legal standing would set a dangerous precedent, but was sympathetic to the residents' concerns.

Councillor Coxshall observed that a 3.5% response rate to the public consultation was poor and felt that a referendum on such issues, and similarly the Frost Estate, was beneficial.

Councillor J. Kent explained that the consultation process was much more than simply an online or paper form, and that people had been knocking on the doors of each flat to engage with residents. He added that although he did not support the motion he welcomed the tone of the content as residents of the blocks affected had been part of this ward for over 20 years, and that many he now considered to be his friends.

Councillor J. Kent advised Members why the proposals were being developed and reported that residents from the blocks attended his surgeries each month to highlight their concerns and their desire to be housed elsewhere – as many residents felt that they were 'stuck' in the high rise. Whilst recognising that there were many residents who wanted to move out of the high rise flats, he acknowledged that there were also long-term residents who wanted to stay – for whom the flats suited their needs by being nearby to family members for help and support. He felt that the matter needed to be handled sensitively and with patience, not by using a blunt referendum, and observed that although there were two opposing sides – those who wanted to move and those who wanted to stay – there appeared to be no acrimony between the two groups and was concerned that a referendum would divide the residents.

Councillor J. Kent further reported that two workshops for residents and leaseholders were planned for August in an attempt to further develop proposals and explained that if all residents could not be satisfied moving forward then the Council would have failed in its efforts.

Councillor Speight observed that democracy did not start and stop at the ballot box and felt the consultations were essential in order to engage with residents and allow their views to be heard. He reported that community consensus had not been reached through the Frost Estate referendum, and that a referendum was not an appropriate mechanism to fix all solutions.

Councillor Cherry observed that there were residents of other high rise tower blocks in Chadwell-St-Mary and Tilbury who would have also preferred to have been rehoused, and was concerned that other blocks required more repair and maintenance than those suggested for demolition, which were of a good standard.

Councillor Maney recognised that there was a significant difference between a referendum and a consultation and explained that the issue was too important to allow only the residents who currently lived in the flats to determine its future, as if the decision was taken to demolish the blocks that would affect all those on the Council Housing Waiting List and residents for years to come.

Councillor Aker felt that the consultations undertaken so far had not given residents any clearer answers on the proposals and observed that the purpose of his motion was to make the decision making process and proposals clearer.

Upon being put to the vote, 12 Members voted in favour of the Motion, 29 Members voted against and 2 abstained, whereupon the Mayor declared the motion to be lost.

The meeting finished at 9.07 pm

Approved as a true and correct record

CHAIR

DATE

**Any queries regarding these Minutes, please contact
Democratic Services at Direct.Democracy@thurrock.gov.uk**

Appendix A to the Council Minutes – 22 July 2015

Item 6 – Questions from Members of the Public.

1 question was submitted from a member of the public.

1. From Mr Perrin to Councillor J Kent

In his budget speech the Chancellor intimated the Government would devolve power to Local Government to decide issues regarding “Sunday Trading”. It is suggested that the current restriction of 6 hours trading on a Sunday imposed on shopping malls and other large stores be lifted and the hours of trading should be in line with those permitted for small shops and businesses. Should your administration inherit such powers would you give me some idea as to what you would propose?

Councillor J. Kent

Clearly were any powers transferred we would have to look at carefully, and in detail, what was on offer. We would then work with retailers and consult those large and small – like Grays Town Centre and Lakeside Shopping Centre.

I would also want to consult with community groups, churches and shop workers because I’m sure there are some shop workers who would welcome the opportunity to earn some more money at the weekend, where it is perhaps the only time they can work, where there are others who would value the opportunity to not have to work more than 6 hours on a Sunday.

So I think the first thing we would need to do is to have a full wide ranging consultation with everybody who would be affected, incidentally that does include smaller shops who would be disadvantaged if larger retailers are able to open all day long.

Mayor

Mr Perrin, do you wish to pose a supplementary question?

Mr Perrin

Thank you Madam Mayor. My personal preference would be in line with the commandment, six days shalt thy labour and on the 7th shalt thou rest, but then I am old fashioned and have been told I’m 50 years out of date. Having said what you have already said I am concerned about the small shop owner – what affect it has on them. And as you have said yourself about workfare, there are some people who would not want to work on a Sunday but who would be threatened by employers if they wouldn’t work on a Sunday that they would find somebody else who will.

I think I would ask you to bear in mind that situation, which you have already said anyway, I'm quite happy with the answers you have given me, but in my own opinion Sunday should be Sunday and I'd like to go back to it being a day of rest. Thank you Madam Mayor.

Councillor J. Kent

Madam Mayor, I'm not sure about Mr Perrin being 50 years out of date, because we have to remember that Sunday shopping for 6 hours is relatively new, so for instance when Lakeside Shopping Centre first opened it was illegal for any shops there to be open on a Sunday. This is still a relatively new piece of legislation.

My own point of view, opinion I guess, is that keep Sunday special has gone. That went in 1992/1993. That doesn't mean that we should not support keeping Sunday different and keeping the opening hours down. If I had a personal view it would be that.

Item 15 – Questions from Members

The Mayor informed the Chamber that 1 question had been submitted to the Leader and a further three questions to Cabinet Members, Committee Chairs and Member appointed to represent the Council on a Joint Committee.

Councillor Redsell confirmed that she wished to withdraw her two questions submitted to the Cabinet Member of Communities and Public Protection, in light of Councillor J. Kent's earlier announcement, and that she would resubmit for the following meeting.

QUESTIONS FROM MEMBERS TO THE LEADER

1. From Councillor Ojetola

News reports state that a lot of radicalisation takes place in schools, or via social media, leading to recruitment of young people to extremist groups. Please outline what Thurrock Council is doing to prevent the radicalisation of Thurrock young people.

Councillor J. Kent

Madam Mayor, as part of the community safety partnership a cross directorate group has been established leading on the Prevent agenda. This is a national intervention to prevent radicalisation in local communities. It addresses all forms of radicalisation and is part of the government's counter-terrorism strategy – which is to Prevent, Pursue, Protect and Prepare. The Prevent strand is aimed at stopping people becoming terrorists or supporting terrorism.

The PREVENT strategy responds to the ideological challenges we face from terrorism and aspects of extremism, and the threat we face from those who promote their views. It provides practical help to prevent people from being drawn into terrorism and ensure they are given appropriate advice and support. It works with a wide range of sectors including education, criminal justice, faith, charities, online and health where there are risks of radicalisation to be dealt with.

There is a new duty as a result of the Counter-Terrorism and Security Act 2015 for councils to make checks on the use of public buildings, its internet filters and any unregulated out of school settings, including after school clubs and groups, supplementary schools and tuition centres to support home education. Schools are also placed under a new duty of care to their pupils and staff. This includes safeguarding them from the risk of being drawn into terrorism and non-violent extremism.

Recognising the need to ensure schools have an awareness of the issues, Thurrock Council has commissioned training to enable staff to recognise the signs and refer where necessary into the Multi Agency Safeguarding Hub –

the MASH. If a referral concerning extremist behaviour is received it is assessed and the appropriate support mechanisms are put in place.

This training has recently taken place and feedback from schools has been positive. We have also trained a number of local authority colleagues who will be training children services staff.

Training is also being offered to local school governing bodies.

Mayor

Councillor Ojetola, do you wish to pose a supplementary question?

Councillor Ojetola

No thank you, Madam Mayor.

QUESTIONS FROM MEMBERS TO CABINET MEMBERS, COMMITTEE CHAIRS AND MEMBERS APPOINTED TO REPRESENT THE COUNCIL ON A JOINT COMMITTEE

1. From Councillor Redsell to Councillor Brookes

The majority of parking outside schools is done responsibly. Having had many yellow lines placed outside of schools, and parents still park(ing) illegally or irresponsibly inside roads and around the school. How do you envisage the pilot scheme allowing teachers to take on parking enforcement will tackle and solve the problem?

This question was withdrawn at the meeting by Councillor Redsell.

2. From Councillor Redsell to Councillor Brookes

The unlawful grazing of horses on council land including some children's play areas and also in many other parts of Thurrock. Can you inform the chamber what if any revenue this brings to Thurrock Council or if not, what action is taken to stop this?

This question was withdrawn at the meeting by Councillor Redsell.

3. From Councillor Aker to Councillor Worrall

Can the Portfolio Member for Housing inform the Council how many people in Thurrock are on the Council's Housing Waiting List?

Councillor Worrall

6,530

Councillor Aker

Would the Portfolio Holder be able to tell me, on average, how many council properties become vacant every year?

Councillor Worrall

I would need to check that outside of the meeting and look at that over five years and see if there is a trend. I will provide a written response outside of the meeting.

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26 August 2015	ITEM: 6
Council	
Frost Estate Community Governance Review	
Wards and communities affected: Corringham and Fobbing; Stanford East and Corringham Town	Key Decision: Not applicable
Report of: David Bull, Interim Chief Executive	
Accountable Head of Service: Fiona Taylor, Head of Legal & Democratic Services	
Accountable Director: David Bull, Interim Chief Executive	
This report is public	

Executive Summary

On 10 September 2014, the Council agreed to undertake a Community Governance Review in response to a petition signed by residents of the Frost Estate, which requested that a specified area be designated as a parished area and that a parish council be established, to be known as the Frost Estate Neighbourhood Council.

The Council subsequently embarked upon a community governance review and, as this has progressed, has conducted two stages of consultation with the residents of the Frost Estate and other interested bodies.

The Review has been progressed through the General Services Committee, who met on 10 December 2014 and made a series of recommendations, after considering a report that set out the results of the first consultation with residents of the Frost Estate and other issues to be considered (Minute No.8 refers).

The recommendations of the General Services Committee were then subject to a further round of public consultation and the results of this are set out within this report.

The results of the governance review were brought to Council on 25 March 2015 where Members considered the report. At this meeting a number of questions were tabled to the Leader from members of the public which demonstrated that there were still issues not fully understood by significant numbers of residents on the Estate. Council agreed to defer the decision until a number of meetings had been held to field any queries or questions residents still had regarding the financial, legal and political ramifications of a parish council. The detail of these meetings are set out in points 3.9 to 3.11

The Council is therefore asked to consider this additional information and decide whether it wishes to change the governance arrangements for the area and create a new parish council, or, whether it considers that there should be no changes to the governance arrangements for the area.

1. Recommendation(s)

1.1 The Council is requested to consider whether, in light of the additional information presented and the recommendations of the General Service Committee, the interests of effective and convenient local government and community identities for the Frost Estate would be:

(a) best served by the creation of a new Parish Council; or

(b) best served by remaining unchanged

1.2 That, subject to the decision made at recommendation 1.1, the new Parish Council be called The Frost Estate Neighbourhood Council

1.3 That subject to the decision made at recommendation 1.1 approve the boundary for the Frost Estate Neighbourhood Council as shown in Appendix 5.

1.4 That, subject to the decision made at recommendation 1.1, the number of parish councillors to serve on the new Frost Estate Neighbourhood Council should be 9.

1.5 That, subject to the decision made at recommendation 1.1 that the parish shall be divided into 2 wards which shall be named Frost Estate East ward and Frost Estate West ward. Each parish ward shall compromise the area designated on the map in the appendices by reference to the name of the ward and demarcated by blue lines.

1.6 The number of councillors to be elected for the Frost Estate East Ward shall be 7 and the number of councillors to be elected for the Frost Estate West ward shall be 2.

1.7 That, subject to the decision made at recommendation 1.1, authorise the Head of Legal and Democratic Services to make the necessary reorganisation order to give effect to the above arrangements.

1.8 That, subject to the decision made at recommendation 1.1, authorise the Head of Legal and Democratic Services to establish an appropriate parish council steering committee as detailed in paragraph 3.6 of the report

2. Introduction and Background

- 2.1 On 10 September 2014, following receipt of a valid petition, the Council agreed the terms of reference and timetable for a Community Governance Review to cover the Frost Estate and also agreed that the Review should be progressed through the General Services Committee, with recommendations being brought back to the Council for a final decision to be made in respect of the creation of a parish council (Minute No.8 refers).
- 2.2 A Community Governance Review can consider a range of topics about the community governance of the area under review. These can include the following:
- creation, merging, altering or abolishing of parish areas;
 - the naming of parishes;
 - the electoral arrangements for parishes (creating a council; the number of councillors to be elected to the council; parish warding); and
 - consequential matters such as the 'knock-on' effect on the principal council divisions or wards or the setting of the commencement dates for any new arrangements.
- 2.3 In this review, we have been concerned only with the request to establish a new parish council for the Frost Estate.
- 2.4 The area identified to be covered by the proposed parish council is shown in the map included within **Appendix 5** and comprises the following roads:
- Arundel Drive;
 - Balmoral Avenue;
 - Central Avenue;
 - Carisbrooke Drive;
 - Chamberlain Avenue;
 - Giffords Cross Avenue (nos. 2-44 and nos.1-45 only);
 - Lampits Hill Avenue;
 - Montfort Avenue;
 - Pembroke Avenue;
 - Windsor Avenue; and
 - York Avenue.
- 2.5 Under section 93 of the Local Government and Public Involvement in Health Act 2007 ("the 2007 Act"), the Council must comply with various duties when undertaking a community governance review, as set out below:
- (a) It must have regard to the need to secure that community governance within the area under review reflects the identities and interests of the community in that area, and is effective and convenient.

- (b) In deciding what recommendations to make, the council must take into account any other arrangements, apart from those relating to parishes and their institutions, that have already been made, or that could be made for the purposes of community representation or community engagement in respect of the area under review.
- (c) The council must take in to account any representations received in connection with the review.
- 2.6 Under Section 100 of the Act, the Council must have regard to guidance issued by the Secretary of State. The guidance refers to a desire to help people create cohesive and economically vibrant local communities and states that an important aspect of this is allowing local people a say in the way their neighbourhoods are managed.
- 2.7 The guidance does stress that parish councils are an established and valued form of neighbourhood democracy and management in rural areas that increasingly have a role to play in urban areas and generally have an important role to play in the development of their communities. The need for community cohesion is also stressed along with the Government's aim for communities to be capable of fulfilling their own potential and overcoming their own difficulties. The value which is placed upon these councils is also highlighted in the fact that the guidance states that the Government expects to see the creation of parishes and that the abolition of parishes should not be undertaken unless clearly justified and with clear and sustained local support for such action.
- 2.8 The guidance also states that the Council must have regard to the need to secure community governance within the area under review reflects the identities of the community in the area and is effective and convenient.
- 2.9 When considering the points above, the Council must have regard to two key principles:
- the impact of community governance arrangements on community cohesion; and
 - the size, population and boundaries of any new local community or parish.
- 2.10 The General Services Committee met on 10 December 2014 and, pursuant to Section 93 of the Local Government and Public Involvement in Health Act 2007, and, the Department for Communities and Local Government Guidance for the Conduct of Community Governance Reviews, took the following into account:
- (a) the petition;
- (b) the results of the consultation with the electors (see **Appendix 4**);
- (c) legal advice contained within the report and circulated at the meeting (see **Appendix 3 and 4**); and

- (d) the information on existing community governance arrangements in the area concerned and the alternative forms of community governance which might have been appropriate for the areas in question;
 - (e) the financial implications for local residents;
 - (f) the services any new council would provide; and
 - (g) the number of parish councillors any new parish council should have.
- 2.11 After considering the aforementioned information, the General Services Committee recommended that the interests of effective and convenient local government and community identities in this area would be best served by the creation of a new Parish Council.
- 2.12 Furthermore, the Committee recommended that the number of parish councillors to serve on the new body should be nine, and, that the new parish council be called “The Frost Estate Neighbourhood Council”.
- 2.13 The recommendations of the General Services Committee were then subject to public consultation with residents of the Frost Estate, together with other community groups covering both the Corringham & Fobbing and Stanford East & Corringham Town Wards. The Consultation commenced on 17/18 January and closed on 28 February 2015.
- 2.14 Following the Full Council meeting on 25 March 2015, Members agreed to postpone the decision to allow for residents to attend a public meeting with officers from Highways, Legal Services, Electoral Services, Democratic Services and Financial Services to field any outstanding queries. This meeting took place on 15 June 2015 at the East Thurrock Football Association Club. The notes from this meeting are attached at Appendix 7.
- 2.15 Finally the government advises that a relevant consideration in the warding of parishes is the layout of the principal council electoral areas because when the LGBCE is making changes to principal council electoral arrangements, no unwarded parish should be divided by a district ward boundary, and no parish ward should be split by such a boundary (DCLG/LGBCE Guidance, Para 163). Therefore it is proposed that should Council establish the parish it should be divided into 2 wards in order to reflect the boundary of the principal council electoral areas so that residents will continue to vote at their existing local polling place whether at standalone and / or combined elections.

3. Issues, Options and Analysis of Options

- 3.1 The Council is requested to consider whether, in the light of the information presented, the interests of effective and convenient local government and community identities for the Frost Estate would be:
- (a) best served by the creation of a new Parish Council; or
 - (b) best served by remaining unchanged

- 3.2 All information previously considered by the Council and the General Services Committee have been included as appendices to this report. In addition, the notes from the public meeting on 15 June 2015 have been included.
- 3.3 The second consultation asked whether respondents agreed or disagreed with the recommendations made by the General Services Committee on 10 December 2014 and the results of this are set in **Appendix 1** and can be summarised as follows:
- (a) In response to the question “**Do you agree that a new parish council should be set up for the Frost Estate?**”
- 380 out of 536 responses** (or **70.90%**) agreed
- 156 out of 536 responses** (or **29.10%**) disagreed
- (b) In response to the question “**Do you agree that the new Parish Council should be called “The Frost Estate Neighbourhood Council”?**”
- 379 out of 531 responses** (or **71.37%**) agreed
- 152 out of 531 responses** (or **28.63%**) disagreed
- (c) In response to the question “**Do you agree that the Frost Estate Neighbourhood Council should have 9 parish councillors?**”
- 369 out of 528** (or **69.89%**) agreed
- 159 out of 528** (or **30.11%**) disagreed
- 3.4 In accordance with the terms of the reference for the review, the Council will publish final proposals following its meeting on 26 August 2015, having taken into account:
- (a) the recommendations of the General Services Committee, who considered the representations received following the first stage of consultation;
- (b) the results of the second stage of consultation; and
- (c) the information presented in this report.
- 3.5 To be able to implement the changes and set up a new parish council the Council must then produce and publish a reorganisation order. Copies of such a reorganisation order together with relevant plans will have to be made available for public inspection at the Civic Offices and on the Council Website. There is also a legislative requirement to inform interested parties, including the Electoral Commission and the Secretary of State of the outcome of the community governance review together with the reasons for any decision. – the decision by the Borough Council may be challenged by judicial review - which usually has to be brought within 3 months – see **Appendix 6**.

- 3.6 The first and earliest possible election to the new parish council would fall to be held in May 2016 – see **Appendix 6**. In order to aid the setting up of a new parish council consideration should be given to establishing a shadow body / parish council for a temporary period to progress essential matters in relation to its formation as well as usefully addressing the absence, during this period, of any power to precept by the new parish council. – see **Appendix 6**. This would take the form of a non-statutory committee of Council that would aid in the transitional period and once the new parish council is elected the shadow parish council body / committee would cease to exist. The Committee would usually include any relevant ward Members of the Borough Council and others.
- 3.7 Any decision made by the committee would need to be ratified by the relevant committee of the Borough Council, typically Cabinet or General Services Committee. They would be consulted on any decisions that need to be made relating to parish councils prior to their election.
- 3.8 During this period there will need to be work done on the proposed constitution, code of conduct, standing orders, budget and / or grant for the new parish council as well as sourcing an appropriately qualified and trained clerk – otherwise the new parish council will not be able to use the general power of competence. Additionally in the context of roads preparatory work would also appear necessary on securing ownership of the private roads from the official receiver, obtaining information on possible contractors, specifications of works appropriate insurance cover and of course the frontagers’ attitude towards payment - bearing in mind James Findlay QC advice at **Appendix 3** “However, such a putative parish council would at least have to consider recouping its costs from frontagers. Indeed, in my view, it would need at least to consider asking for money in advance of undertaking works”

Community Engagement Following 25 March 2015 Council Meeting

- 3.9 At Full Council’s request, a public meeting was organised at the East Thurrock United Football Club on 15 June 2015. This meeting was attended by over two hundred residents who were allowed an opportunity to ask questions and debate issues. The notes from this meeting can be found at **Appendix 7**.
- 3.10 Following the public meeting, the Chief Executive received correspondence from residents expressing further opinions based on the discussions of 15 June. This correspondence has been included at **Appendix 8**.
- 3.11 On 12 August 2015 FERA and a newly formed group against the parish council, APCC, met with the Chief Executive and ward members to discuss further details on road repairs. The two groups discussed many issues and identified areas where they agreed but also their differences of opinion, as well as hearing about the option of the Council creating a Community

Environmental Development Fund which could potentially act as a fund which the community could apply for repairing unadopted roads. Both groups agreed to meet a further time in private to discuss practical options in repairing the roads that they could agree on and report back to Council on 26 August. The notes from the 12 August meeting are attached at **Appendix 9**.

- 3.12 At the meeting on 12 August, the APCC submitted a petition against the formation of a parish council, the details of which are attached at **Appendix 10**.

4. Reasons for Recommendation

- 4.1 The Council must determine whether, in the light of the information presented, the interests of effective and convenient local government and community identities for the Frost Estate would be:

- (a) best served by the creation of a new Parish Council; or
- (b) best served by remaining unchanged

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 Consultation with local residents and organisations has been an integral part of the Community Governance Review. The report advises the Council of the results of the second stage of consultation on the recommendations made by the General Services Committee and also includes the results of the first stage of consultation as an appendix. In addition and following Full Council on 25 March 2015 the Council offered a public meeting to field any queries residents might have on any aspect of a parish council.

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 The Community Governance Review has been undertaken in line with the requirements of relevant legislation and the principles of good governance. The maintenance of good governance is essential to the council in discharging its functions in a timely, open and transparent manner for the benefit of the residents of the borough.
- 6.2 The council must have regard to the need to secure that the community governance arrangements for the area reflects the identities and interests of the community in the area and are effective and convenient.

7. Implications

7.1 Financial

Implications verified by: **Sean Clark**
Head of Corporate Finance

There will be some administrative costs falling on the Council to support the development of a parish council, as set out in this report, and these can be met from existing budgets. Where expenditure needs to be incurred on behalf of a new parish council, or advanced in their first year of operation, the Council can raise this funding as a precept that would be set in consultation with the Steering Committee. The report raises the possibility of a Community Environmental Development Fund but this would require a further report setting out the basis of the fund and for an amount to be allocated.

7.2 Legal

Implications verified by: **David Lawson**
Deputy Head of Legal Services

The Local Government and Public Involvement in Health Act 2007 (**'the 2007 Act'**) devolves the power to take decisions about the creation of parishes and their electoral arrangements to local authorities. It also sets out the legal parameters for the instigation and undertaking of a Community Governance Review.

The 2007 Act allows principal councils to determine the terms of reference under which a community governance review is to be undertaken, provided that principal councils comply with the duties in that Act. Principal councils will need to consult local people and take account of any representations received in connection with the review.

Section 93 of the 2007 Act requires principal councils to ensure that community governance within the area under review will be:

- reflective of the identities and interests of the community in that area; and
- effective and convenient.

This means that community governance arrangements should reflect, and be sufficiently representative of, people living across the whole community and not just a discrete cross-section or small part of it. 'Effective and convenient' governance is closely linked to the proposed size, population, and boundaries of a parish council, and in a particular whether it is viable as an administrative unit of local government.

If Thurrock Council recommends on 25 March 2015 that the Frost Estate Neighbourhood Council is to be created then a reorganisation of community governance order will need to be drawn up to give effect to such a resolution – see **Implementation section** below.

Section 97 of the 2007 Act provides for regulations to make incidental, consequential, transitional or supplementary provision for the purposes of, or in consequence of, reorganisation orders. Two sets of regulations have been made under the 2007 Act, which apply to reorganisation orders – both of which came into force on 8 April 2008. The first of these, the Local Government (Parishes and Parish Councils) (England) Regulations 2008 No.625 make provisions in relation to matters such as the distribution of property and the rights and liabilities of parish councils affected by a reorganisation order. The second set, the Local Government Finance (New Parishes) Regulations 2008 No.626 deal with the setting of precepts for new parishes.

The Local Government Act 1972 and a series of subsequent Acts have established a wide range of rights and powers for Parish Councils. These have been described in earlier reports attached in the appendices to this report.

Implementation

If the council recommends at Full Council on 25 March 2015 that the Frost Estate Neighbourhood Council is to be created in Thurrock then as indicated it will be necessary to draw up a reorganisation of community governance order.

Copies of this order, a map showing the affected area and the final recommendations which set out the council's reason for the decision would have to be deposited at council offices, on the website and at local contact points. It also has to include budget information.

Thurrock Council would have to publicise how it has given effect to the review. The Council must also inform the following organisations:

- a) the Secretary of State for Communities and Local Government;
- b) the Local Government Boundary Commission for England;
- c) the Office of National Statistics;
- d) the Director General of the Ordnance Survey;
- e) other organisations.

If agreed, electoral arrangements for the new Parish Council would come into force at the first elections to the parish council following the reorganisation order. Orders making new parish councils come into effect on 1 April and

need to be made in the previous October in order to provide for these election arrangements and budget discussions with the principal council

A new parish council is unable to precept for the first financial year (1 April – 31 March) of its formation (as the parish council does not come into being until 1 April).

However the Local Government Finance Act 1992 and the Local Government Finance (New Parishes) (England) Regulations 2008 No 626 enables the principal council to anticipate the financial needs of the new parish council and to collect the cost as if it were a precept.

The Borough Council is likely to want to discuss the new parish council's needs with any 'shadow parish council' or perspective members of the parish council. A shadow or temporary parish council is usually established via a committee which can address important prerequisites such as its constitution, standing orders, code of conduct, recruiting and training a clerk so the general power of competence can be used, budget / precept discussions with the principal council. And in this particular case seeking to purchase the roads from the official receiver, establishing a legally compliant scheme for seeking contributions from frontagers of the private roads concerned with appropriate consideration of when the parish council may step in to do longstop remedial actions funded by any relevant precept / loan – as well as the likely contractors, specifications and sources of insurance cover.

A parish is a separate authority from the principal council – it has a separate legal identity and will require its own legal advice – it generally cannot be terminated except a further reorganisation community governance order and upon termination its assets and liabilities would transfer back to the principal council. This is a potential risk to the principal council but one it just has to accept and should not be a consideration in whether to create or not create a parish council – although it shows the importance of setting up good governance systems and training for the new authority.

7.3 **Diversity and Equality**

Implications verified by: **Natalie Warren**
Community Development and Equalities
Manager

As set out at 2.9, Council must have regard for the implications on community cohesion arising from any proposals that impact on the community governance of the area. A significant proportion of residents have responded against a Parish Council and have expressed their reluctance to be subjected to these arrangements. Council will need to be mindful of the impact on cohesion when considering whether to create a Parish Council or not.

7.4 **Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

Not applicable.

8. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- Local Government and Public Involvement in Health Act 2007 (available online at <http://www.legislation.gov.uk/ukpga/2007/28/contents>)
- Guidance on community governance reviews (available online at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/8312/1527635.pdf)

9. **Appendices to the report**

- **Appendix 1** – results of the second consultation on the recommendations of the General Services Committee
- **Appendix 1a** - results of the second consultation on the recommendations of the General Services Committee – comments.
- **Appendix 2** – Stage 2 consultation and additional information for residents
- **Appendix 3** – legal advice circulated to the General Services Committee on 10 September
- **Appendix 4** – report considered by the General Services Committee on 10 December 2014
- **Appendix 5** – report considered by the Council on 10 September 2014
- **Appendix 6** – Legal advice from Bevan Brittan
- **Appendix 7** – Notes from the public meeting held on 15 June 2015
- **Appendix 8** – Correspondence from residents sent to the Interim Chief Executive after 15 June 2015 expressing views
- **Appendix 9** – Notes from FERA and APCC meeting held on 12 August 2015
- **Appendix 10** – Details of the petition received from the APCC against the formation of a parish council

Report Author:

Fiona Taylor

Head of Legal Services and Monitoring Officer

Legal Services

Report Settings Summary

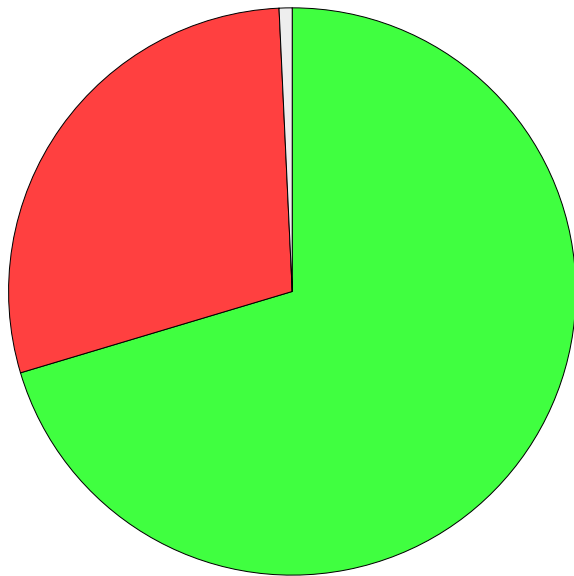
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Total Respondents	2
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Document Name	Community Governance Stage 2 - without comments
Created on	2015-03-03 11:14:32
Created by	Roxanne Scanlon

new parish

Question responses: **536 (99.26%)**

1. Do you agree that a new parish council should be set up for the Frost Estate?

	% Total	% Answer	Count
<input type="checkbox"/> Yes	70.37%	70.90%	380
<input type="checkbox"/> No	28.89%	29.10%	156
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Total	100.00%	100.00%	540

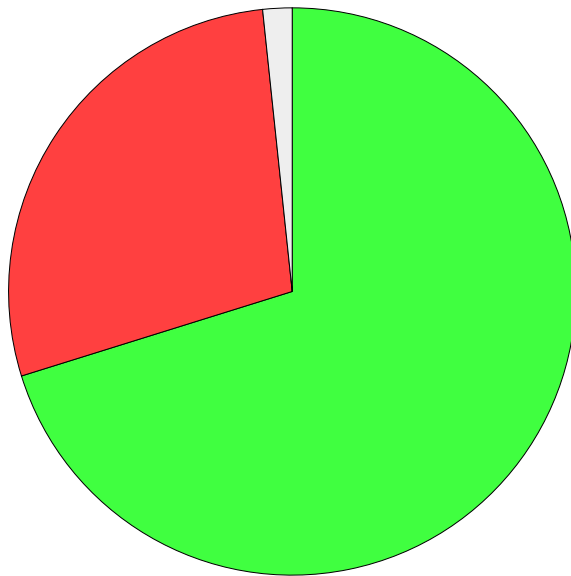


parish name

Question responses: **531 (98.33%)**

2. Do you agree that the new parish council should be called 'The Frost Estate Neighbourhood Council'?

	% Total	% Answer	Count
■ Yes	70.19%	71.37%	379
■ No	28.15%	28.63%	152
■ [No Response]	1.67%	--	9
Total	100.00%	100.00%	540

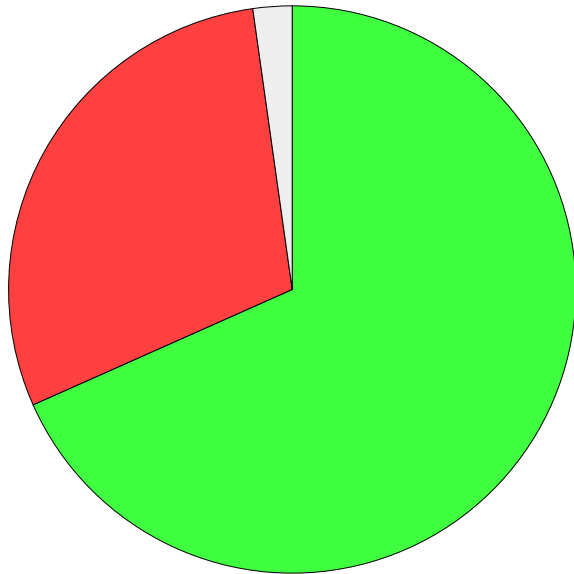


9 councillors

Question responses: **528 (97.78%)**

3. Do you agree that the Frost Estate Neighbourhood Council should have 9 parish councillors?

	% Total	% Answer	Count
■ Yes	68.33%	69.89%	369
■ No	29.44%	30.11%	159
■ [No Response]	2.22%	--	12
Total	100.00%	100.00%	540



Community Governance Review Stage 2

Comments received through consultation

Comment 1

Whilst I appreciate what the estate is trying to do regarding the roads. We here in Lampits Hill Avenue, have already paid through the nose to have our road made up, and lost parts of our frontage in the process. I can understand the other residents not wishing to do this. But we certainly do not wish to pay more council tax than we have to.

Comment 2

I am attaching this letter to the questionnaire which has been sent out to the Frost Estate residents because I feel that there are a few points which I would like to raise. Firstly, I feel there has been a lack of specific knowledge from the committee who is forging ahead with this application. We have had no meetings to clarify what would be put forward; whether to go forward or indeed how the committee were elected in the first place.

- Is it representational of the whole estate?
- It would have been appreciated if someone were to have called the residents together in order for all to have exactly what it means to have a parish council explained and any questions raised answered in full 'view' of all.
- What would a parish council take on?
- How would residents be notified of any projects/changes?
- How would the council be elected and would it represent the WHOLE estate (not just the roads that are seeking this council now)
- What power do residents have within the council to object to; for instance having a waste bin placed outside their house?
- What provisions are there for lower income families or the elderly? How is their portion equalled out - We have had no specific financial indication of what the costs would be or who would oversee these. Would a committee/council be able to just say 'that's the bill' setting a figure that they see fit without any recourse.

Lastly, the Frost Estate is a unique place to live, and it has been long understood that to do so you take on certain responsibilities; one being the maintenance of your road and grass verge. If one does not like the terms of purchasing a property on the Frost Estate, then one should not do so. I am not in favour of blindly steaming ahead with the suggestion of a Parish Council.

Comment 3

I am writing to you in response to the recent letter and questions sent out to Frost Estate residents. I am taking this opportunity to formally advise you that as per my original returned questionnaire, I strongly disagree with the setting up of a parish council for the Frost Estate I draw your attention to the fact that less than 50% of residents returned their questionnaires, suggesting that I am far from being in the minority. I have always believed in standing on my own two feet, and not borrowing beyond my means. Six weeks after moving into our property, 13 years ago, we were approached by neighbours who were getting together to raise funds to get our road re-laid, the residents of Chamberlain Ave contributed towards this, and the road works were

completed; this is an option to other roads on the Frost Estate. For many years it has been common knowledge throughout Corringham and Stanford that, if you move on to the Frost Estate you are responsible for the maintenance of the roads. If you do not want this then don't move here. I therefore make the following statement:- At no point will I pay any increase on my council tax bill, which is due to the parish council, even if this means that I have to cancel my direct debit to Thurrock Council and pay by cheque. If you add together 50 people who agree with my sentiments and the 50% who did not return their questionnaires then you have a large number of people who will probably feel/do the same. This could then result in you having to take legal action against all those residents who withhold payment, or foot the bill yourselves. I will never agree to strangers running up an unspecified and ever moving debt on my behalf and would therefore advise that you decline the request to set up a Parish Council by predominantly residents of Giffords Cross Road, and suggest that they put their efforts into repairing the road themselves.

Comment 4

Being a long term responsible resident of the Frost Estate I am now finding a group of self appointed and totally self interested people are trying to railroad me, and other responsible residents, into a parish council of their choosing. The latest document and questionnaire I have received from the Council indicates that less than half of the estates residents responded to the first one and 14.01% of those indicated a preference for no change. That response is hardly sufficient to even consider the imposition of a parish council. The residents of Chamberlain Avenue, Windsor Avenue, and Lampits Hill Avenue are all responsible people who have taken their responsibilities seriously, all have re surfaced and maintained their roads at their own cost and not wanted or asked anyone else to pay for their roads. In fact the self appointed group, do not mention or are even interested in these roads, they don't suit their self interested purpose. You have obviously noted that the 14.01% of residents all come from the three roads I have indicated, and with very good reason, they have already taken the responsibility and paid for their roads. In the first letter sent out by the council, it was considered that the request for a parish council was driven by the self appointed group wanting others to pay for the upkeep of their roads, and that it was the sole reason. Nothing has changed, that is still the case, and is supported by the fact, that the members of the self appointed group are all in close proximity to the Giffords Cross Central Avenue vicinity mentioned in your letter. In further support to this, there was a meeting at the council offices chaired by councillor Gupta and two council staff, this group who want a parish council attended it, I was also there, their agenda then was to get the council to repair their roads as long as they didn't have to pay for it. They failed, now they are trying to get the rest of the estate residents to pay for their neglect. There are a number of roads close to this estate where residents keep them in good repair, three that come to mind are, the link road between Brampton Close and Lampits Lane, the extension of Morley Hill starting at house number 84, and parts of Central Avenue, all the residents in those roads take responsibility for the upkeep, unlike the small group on the self appointed committee. Regarding the legality of imposing a parish council on this estate, I am of the opinion that this can be challenged by past precedence, at least one resident has acquired the frontage of his property from the crown estate, at least one resident has been refused the same request by the crown estate. Taking the first approved request by the

crown estate, it is obvious that at least half of the properties on the estate comply with the reasons accepted by the crown for their first approval, I am in possession of copies of both the applications sent to the crown estate, which you can inspect if you wish.

Looking at the twelve services in the received letter, it comes as no surprise that top of the list is maintenance and repair of roads, which is exactly what your conclusions were, when you said it appears to be the only reason for wanting a parish council. The rest are just there to make the number up and are a nonsense, as I will show below.

- (1) maintenance and repair of roads - this basically relates to those on the committee, they will not take responsibility or duty to keep their part of the estate roads in repair, we have and have no need for our roads to be looked after.
- (2) crime prevention measures - what is meant by that, we have police patrols, we have a neighbourhood watch, and who feels the need for more, I have never heard of anyone being broken into, or trouble from unruly children.
- (3) repair and maintain public footpaths and bridleways - what public footpaths, all properties keep their frontage mown, concreted, block paved ETC, and bridleways do not exist, so why is it included.
- (4) Light roads and public places - we already have adequate lighting on the estate, where everyone and everything can be seen clearly, public places do not exist, this is a private estate.
- (5) Provide traffic signs and other notices - what on earth is that supposed to mean, there has never been a vehicular accident or injury in the ninety plus years the estate has been in existence, signs are not needed.
- (6) plant trees and maintain roadside verges - all the fronts of properties are either concreted, block paved, or gave verges the owners keep in good condition, by cleaning or mowing, why on earth would they want their concrete dug up or their paving dug up for a tree, that could affect the footings of their property.
- (7) Provide litter bins - come and walk on this estate any day or time, and see what litter you can find, the only time litter may appear is when dustbin lorries spill it, and then it is quickly picked up by residents.
- (8) Environmental projects - perhaps you can explain what that means for residents.
- (9) Grants to voluntary groups - Ridiculous to even include it
- (10) provide parking spaces for vehicles - All properties have parking on their own fronts and drives, absolutely no need to provide any more.
- (11) Parks and open spaces - there are no open spaces or parks on the estate, the ones that do exist are adjacent to the town centre, which are maintained and looked after by the council. Why was this included.
- (12) community halls - the estate doesn't have a hall or the space to put one, again, why was this included.

You can see by the twelve points above, that numbers two to twelve have no relevance, they are there to make the number up, and muddy the waters. The sensible way to deal with this, is for the Council to tell the committee to do what's right, and take the same responsibility as others on the estate have and look after their own sections of it, and not try and get others to foot the bill. The council can do that for them and charge for it, or I can get the same company we used to do our section of the estate. There are enough properties on Central Avenue and Giffords Cross Avenue, and the couple of small offshoots adjacent to them, to do as we did and collectively pay for it. Either to have it done in sections or just the main parts they want done.

Another point worth mentioning is that none of the people living on the roads we have maintained in good order exit the state via Giffords Cross or Central Avenue, we have no need to, or want to.

Comment 5

Since my last contact, I and a number of other Frost Estate residents in the north east of the estate, have met with our MP Stephen Metcalfe. It was interesting to hear Mr Metcalfe agreeing with all of us, that the parish council group are only interested in having their roads repaired by the whole of the estate, which is also in agreement with the first report where your office indicated the same. Since the meeting, we have spoken to all the residents from my section of the estate, every one of them are strongly against the imposition of a parish council, having already spent thousands of pounds each to have their roads done. Another point worth taking into account, is that all the original roads in this section were completely unmade, just mud, hardcore and puddles, until we the residents paid to have them done. On a survey of the whole estate, we found that some of the residents of certain roads, have had major works done in the laying of block paving to their frontages, money that could have been spent on their roads, why didn't they? I have now been told, and had confirmed, that the steering group are trying to get residents to vote yes by using frightening and intimidating statements. Two that come to mind, are both from OAPs, one a 79yr old woman, who was told that she could be sued for any personal injury to other persons, if she didn't vote yes to having her roads done. The other woman, even older at 89yrs old, told exactly the same. The 89yr old woman's experience is well documented and known by Stephen Metcalfe. When I approached him about it, he was well aware the woman had been sent an apology along with a bunch of flowers, an admittance of guilt if ever I saw one. I have attached a group photo's of the roads in my section, they speak for themselves, we do our duty and take responsibility for them, unlike the group who will not take responsibility for their roads, wanting instead for us to pay for them as well.

Comment 6

Need more detail on which roads will be repaired and how they will be repaired.

Comment 7

We have asked before and we are unsure what or how they intend to repair the roads, our road is not too bad and we feel we will be paying for other roads to be fixed, which should be done but not paid for by residents that will not benefit from it.

Comment 8

I have a problem with the review papers sent out. I do not feel it makes it clear enough that = a) It does not require a YES majority vote for the council to decide to set up a parish council. b) if the council decide to set up a parish council, all resident would be made part of it and have to pay into it, even if they voted NO. Neighbours I have spoken to agree with my comments. This does not very democratic to me.

Comment 9

I am not prepared to commit to anything until I know how much it will definitely cost each household. Also which roads are taking priority other than Giffords

Avenue and Central Avenue. The roads definitely need repairing but with this system I can see big problems i.e. people on the estate who have already paid for their roads.

Comment 10

Leave the Frost Estate as it is.

Comment 11

Do we need the councillors?

Comment 12

Please do not bother me with any more literature re this matter. I am not at all interested as a few years back, we got together and did our own bit of road to improve matters for us, so let those who live there do theirs.

Comment 13

Do not want a Parish Council, do not want increase in Council Tax, my road is fine.

Comment 14

Have lived here for 28 years and being over 80 years of age I don't want the hassle.

Comment 15

Seabrooke Rise in Grays is a neighbourhood mainly due to 'hoodies'. Neighbourhood sounds like a council estate "Frost Residents Council" sound's better. There should be one councillor from every road and broad range of ages. I voted no, then yes as I felt under pressure to vote yes. Please ensure that my vote is NO. I do not want a parish council.

Comment 16

Changed my mind [voted no initially]

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Do you want a new parish council to be set up for the Frost Estate?

We recently asked if you wanted to see a parish council set up for the Frost Estate and, if so, what services you wanted this to provide. We are now asking you to tell us if, after reading the information we have provided, you agree with the draft recommendations we have made.

You should read this document carefully before answering the questions at the end as any decision to create a parish council **will** affect you and it **will** increase your Council Tax.

The final decision will be made by Thurrock Council in March and it is important Councillors are made aware of your opinions and thoughts.

What you have already told us....

We delivered 715 questionnaires to registered electors in the Frost Estate during September 2014 and a total of 357 residents responded, which represents a total of 49.93% of the electorate on the Estate.

- 299 respondents indicated a preference for a new parish council for the area to be created, which represented 83.75% of all respondents to the questionnaire and 41.81% of the registered electors in the area surveyed;
- 50 respondents (14.01%) indicated a preference for no change to the current arrangements; and
- 6 respondents (1.68%) indicated a preference for alternative arrangements.

Of the services a parish council could provide, you gave the following scores out of 10:

Rank	Service	Average Score given
1	Maintenance and repair of roads	9.67
2	Crime prevention measures	7.89
3	Repair and maintain public footpaths and bridleways	7.48
4	Light roads and public places	7.16
5	Provide traffic signs and other notices	6.02
6	Plant trees and maintain roadside verges	5.55
7	Provide litter bins	4.41
8	Environmental projects	4.09
9	Grants to voluntary groups	3.35
10	Provide parking places for vehicles	3.18
11	Parks and open spaces	2.94
12	Community halls	2.62



13	Play areas	2.61
14	Provide roadside seats and shelters	2.54
15	Allotments	2.36
16	Leisure facilities	2.15
17	Public toilets	2.09
18	Provide bus shelters	2.07

What are we recommending?

Our General Services Committee met on 10 December 2014 and considered all the responses and comments. Their view was that there was a lot of local support for a parish council and they have recommended:

1

A new parish council should be set up for the Frost Estate.

2

The new parish council should be called “The Frost Estate Neighbourhood Council”.

3

The new parish council should have 9 parish councillors.

Do you agree with our recommendations?

We are now asking if you agree with our recommendations. Below is some more information about parish councils and the extra costs that can be expected.

You can complete the short questionnaire we have enclosed and return it to us in one of the following ways:

- **Send a copy by post to:** Community Governance Review, c/o Democratic Services, Thurrock Council, Civic Offices, New Road, Grays, RM17 6SL.
- **Take this to Corringham Library:** Post this in a ballot box they are kindly hosting for us.



The questionnaire can also be completed online at:

<https://consult.thurrock.gov.uk/portal/tc/cex/legal/dem/frostestate2>

If you have any questions about this process, you can write to Democratic Services at the above address or email Direct.Democracy@thurrock.gov.uk

Additional information

The additional cost to Council Tax payers

A parish council can raise money through a process called “precepting” where it instructs its “billing authority” (in this case Thurrock Council) to collect extra money on their behalf to cover their running costs such as buying and repairing roads. This is added to the Council Tax bill paid by each household in the parish council area.

In 2013-14 the average “precept” from a Parish Council for Band D properties in areas such as Thurrock was £54.01¹ for the year – the precept will be set by the parish council and NOT by Thurrock Council. This is just an average cost for the year, so the cost to Council Tax payers in the area covered by the proposed parish council may be higher, or lower, but this really depends on the nature of the services the parish council want to deliver. The figure given should NOT be taken as an indication of the likely level of precept that would be levied by a newly formed Frost Estate Neighbourhood Council.

The parish council should take account of its basic running costs such as:

- the cost of premises (hire charge for meetings);
- the salary of a parish clerk (who could be part-time);
- the cost of internal and external auditors;
- reimbursement of any expenses incurred by parish councillors;
- a share of the cost of elections (but the whole cost of any by-election).

It is clear that a major factor in both the request for a parish council and the responses we received to our first questionnaire was the repair and maintenance of roads on the Frost Estate.

We have sought legal advice which says if the parish council bought the current unadopted roads on the Frost Estate from the Official Receiver (estimated at a minimum of £2,000 plus a contribution to legal costs), it would then be able to repair

¹ Source of data on average precept:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/260449/Parishes_and_other_precepting_authorities_2013-14_England_revised.pdf



them - acting as if it were somebody who owned such roads and relying on the “general power of competence” under the Localism Act 2011.

If the parish council repairs and maintains the roads on the Estate it has to try to recover its costs from frontagers (the owners of property adjoining a street). The parish council cannot simply transfer the cost from frontagers to the whole of the parish without giving proper consideration to trying to recover its costs – this will be an issue for the parish council to resolve.

Thurrock Council has estimated the cost of repairs in the vicinity of Giffords Cross Avenue and Central Avenue and for this very limited area alone this would be approximately £30,000 but even that would depend on what is found when the concrete sections of the road are removed, which could well see this figure increasing. This is just an example of the likely cost of repairing a section of the roads within the Frost Estate – we are aware there are many other roads that will also need to be repaired, some in the short term and some over a longer period.

Repairs and maintenance to roads is expensive and our Chief Highways Engineer has strongly advised that if a parish council wants to repair and maintain the roads on the Estate, they should employ a design consultant to inspect, specify and prepare a contract for the work required which could then be priced to give residents an idea of the cost of repairs needed. The consultant would also be able to supervise the works and advise on a level of contingency funds to be set aside for unforeseen events.

While councils are being encouraged to be innovative they should be aware of the risk of:

- being challenged, which could incur additional costs
- the damage to the councils reputation and loss of public money if a project goes wrong.

Using the General Power of Competence

Our legal advice has told us that the parish council would have to rely on the General Power of Competence to enable it to repair and maintain the roads on the Frost Estate. The parish council must meet the conditions for eligibility before it can begin to use this power and these are set out in legislation². The parish council must:

- Resolve at a meeting that it meets the eligibility criteria to use the General Power of Competence;
- At the time the resolution is passed, at least two thirds of the members of the parish council must hold office as a result of being declared elected. This means they should have stood for election, whether at an ordinary or by-election, even if unopposed, rather than be co-opted or appointed; and

² *Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012*
<http://www.legislation.gov.uk/ukdsi/2012/9780111519868/body>



- At the time the resolution is passed the clerk must hold a recognised qualification and must also have completed training in the exercise of this power.

If the parish council loses its qualified clerk or has insufficient elected councillors, it must record its ineligibility at the next 'relevant' annual meeting of the council (after the ordinary election). If it has already started an activity it can finish that but not start anything new.

Parish councillors and elections

The minimum number of parish councillors is five³. However, the National Association of Local Councils (NALC), the body which represents parish councils, has indicated that it believes that seven should be minimum size.

Thurrock Council has recommended that there should be nine parish councillors as this is nearer to the size of the Frost Estate Residents Association.

Elections would be held every four years, beginning in May 2015. A by-election can be held whenever there is a vacancy on a parish council but if not enough people stand for election, the parish council may co-opt people to fill vacancies. Thurrock Council will organise and run all elections on behalf of the parish council (as the parish council are not allowed to do this themselves) and will also seek to recover its costs from the parish council⁴. These have been estimated as being in the region of £2,600.

What other funding could a parish council attract?

Parish councils get the money they need from the "local precept" paid by all Council Tax payers in the area covered by the parish. A parish council can also apply for grants and take out loans.

Grants:

The Essex Association of Local Councils has a web page that gives links to sources of funding that may be available to a parish council⁵. Bodies that offer grants usually have criteria that must first be met before any decision is made whether to offer a grant. A parish council will have to complete and submit an application for funding and there is no guarantee that they will be successful.

³ Section 16 (1) of the Local Government Act 1972

<http://www.legislation.gov.uk/ukpga/1972/70/section/16>

⁴ Section 36 of The Representation of People Act 1983 - <http://www.legislation.gov.uk/ukpga/1983/2>

⁵ Essex Association of Local Councils - <http://www.essexinfo.net/essex-association-of-local-councils/links-and-funding-sources/>



Loans:

A parish council can also take out a loan and any borrowing is governed by legislation⁶. A borrowing approval will be given by the Secretary of State⁷ and this will set out a number of conditions that need to be fulfilled, it will specify how much the council can borrow as well as the maximum term of the loan period.

There is no national limit on the total annual amount of borrowing available to local councils in England but the amount that an individual parish council will be allowed to borrow is normally limited to £500,000 in any one financial year.

The Public Works Loans Board will normally lend money to parish councils. As an illustration, a £500,000 loan from them is likely see the parish council repaying somewhere in the region of £650,000 over a 20 year period (this covers repaying the loan itself and any interest added the amount originally borrowed).

The parish council has to repay any loan it takes out, as well as any interest on the loan, and this will ultimately come from the "local precept" paid by Council Tax payers in the area covered by the parish. Loans taken over a longer term will usually attract a higher rate of interest and this means that the loan will cost more to repay.

How the parish council would be managed?

A parish council is run by parish councillors, who are elected every four years and who appoint a chairperson as their leader.

A clerk, who is a paid member of staff employed by the parish council, is responsible for the organisation of the council including dealing with correspondence, financial matters and preparing the agenda for meetings. Some parish councils do not have a dedicated clerk and share one with other parish councils in their area.

Parish councils have to meet at least four times a year, including the Annual General Meeting, where they can be questioned by local electors. Their meetings must be open to the public to attend (members of the press and public can now film parish council meetings), although for certain restricted items, such as items about an individual staff member, the press and public may be asked to leave.

The business of a parish council is carefully regulated by the Local Government Act 1972 and cannot be conducted without observing certain formalities, for example, no business may be dealt with at a parish council meeting unless at least one-third of parish councillors are present.

⁶ Schedule 1, Local Government Act 2003 - <http://www.legislation.gov.uk/ukpga/2003/26/schedule/1>
⁷ Parish and town council borrowing approval - <https://www.gov.uk/government/policies/giving-local-authorities-more-control-over-how-they-spend-public-money-in-their-area--2/supporting-pages/parish-and-town-council-borrowing-approval>



Have your say...

Name:

Address:

Postcode:

I am a resident of the Frost Estate

(Please tick this box if you live on the Frost Estate)

1

Do you agree that a new parish council should be set up for the Frost Estate?

Yes

No

2

Do you agree that the new Parish Council should be called "The Frost Estate Neighbourhood Council"?

Yes

No

3

Do you agree that the Frost Estate Neighbourhood Council should have 9 parish councillors?

Yes

No

Please return your questionnaire to us by **28 February 2015** in one of the following ways:

- **Send a copy by post to:** Community Governance Review, c/o Democratic Services, Thurrock Council, Civic Offices, New Road, Grays, RM17 6SL.
- **Take this to Corringham Library:** Post this in a ballot box they are kindly hosting for us.

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COMMUNITY GOVERNANCE REVIEW

OPINION

1. I am asked to advise in respect of the Frost Estate Community Governance Review.
2. The background is set out the Committee Report of 10th September 2014 (and update) and the results of the first stage of public consultation are dealt within the Report of 10th December 2014. This Opinion should be read with those reports.
3. It is readily apparent that the primary motivation for the request for the area to be “parished” concerns the state of the roads. That is, of itself, not unusual as it may commonly be one issue which prompts such a review. And there is no dispute that the condition of the roads, or at least part of them, is poor. That does not, however, determine the outcome.
4. A parish council has very limited general highway powers. Its maintenance powers are restricted to footpaths and bridleway, see s.43 of the Highways Act 1980, but only in respect of highways maintainable at public expense. Whilst it has other limited powers under that and other Acts, including under the Parish Councils Act 1957, as I understand it none would authorise the works of repair/maintenance required/desired in this instance.

5. Absent such powers to do work to highways, it is no answer to seek to rely upon the general power of competence under the Localism Act 2011, nor the well-being power under the Local Government Act 2000. A specific power is required to authorise any council to undertake works on a highway and parish councils do not have them. An “individual” cannot just repair public highways/roads at will and there is a detailed statutory scheme which provides for works to highways.
6. However, I understand that it may be possible to purchase the roads in question from the Official Receiver. If the putative parish council were to do so, then it would have the ability to repair them - acting as an individual who owned such roads might do so and relying on the general power of competence.
7. However, such a putative parish council would at least have to consider recouping its costs from frontagers. Indeed, in my view, it would need at least to consider asking for money in advance of undertaking works.
8. I have not seen what obligations there are on frontagers in terms of the up-keep of the roads but the parish council would be under a fiduciary duty to recover or seek to recover its expenditure in so far as it could pursuant to such obligations. The general power of competence does not excuse any authority from acting as a public authority should when it has the ability to exercise private law rights to recoup expenditure. Whilst it has powers to act without charge – see s1(4)(b) of the Localism Act 2011, that does not mean it should not consider recouping costs it has the ability to recoup.
9. That it may be reasonable not to seek recovery is one possible outcome but the question will need to be considered. It cannot simply transfer the burden from frontagers to the whole of the parish without giving proper consideration to alternative steps.

10. When determining what to do on a review a local authority, pursuant to section 93 of the LGPIH Act 2007, must have regard (i) to the need to secure that community governance within the proposed area under review (a) reflects the identities and interests of the community in that area and (b) is effective and efficient, and (ii) it must take into account what alternative arrangements could be made for the purposes of community representation or community engagement in respect of the area under review. (The range of such “alternative arrangements” is wide, see the Guidance at paragraphs 136-146.)
11. Of course, it must also have regard to the consultation responses etc. but these three matters provide useful criteria against which to assess any review, see the Guidance at paragraphs 52 and 136. For example, if an authority considered that the proposal did not reflect the interests of the community then it would probably be unlikely to accede to a request to parish an area.
12. Application of these criteria raises issues of judgment, not law. These are matters for the authority and what follows is hopefully of assistance but it is no more than that.
13. In this case there are apparently divisions within the community as to where its interests lie. Whilst no proposal is likely to be universally popular and the existence of opposition is no embargo to “parishing” an area, it is a matter of judgment as to whether this proposal is in the interests of the “community in that area”.
14. Note the focus is unsurprisingly not, directly at least, on the need to secure good roads but is on the need to secure community governance which fulfils the relevant criteria. However, there is a clear link between the two. The Guidance makes this clear. See for example

paragraph 56, where it states that parish councils can contribute to the creation of successful communities in a number of ways relating to the physical environment.

15. Again, just because the primary motivation is to improve bad roads does not prevent the proposal being properly “effective and efficient”. The Guidance suggests that this is to be judged in the context of ability to deliver quality services economically and efficiently and as well giving users a voice, see paragraph 62.
16. A judgment has to be made as to whether the proposal which has one, or perhaps two – security being the other, principal aims is effective and efficient. Just because the roads are in a poor state of repair is not necessarily indicative of ineffective or inefficient community governance or that there might not be other more effective and efficient ways of achieving the same end, see 8(ii) above, but it may do so. Further, addressing poor roads at a parish level may not be considered efficient if there are other routes by which the same outcome could be realistically achieved.
17. Acquiring land will only be the first hurdle in terms of remedying the poor state of the roads. Proper consideration will have to be given to the standard of repair, insurance and identification of the contractor to undertake the work and management and supervision of any contracts.
18. Regard will also have to be given to the lack of activity in carrying out the works at present and alternative options in that regard – and what alternative arrangements could produce the same result. A residents’/frontagers association may for example provide a solution. A parish council is in no better position to enforce frontagers’ obligations than such an organisation. It may be adoption is the answer, although that may not be popular with frontagers given the cost and potential other implications.

19. Regard, in my view, should also be had to all aspects of community governance so a balanced view is taken. It is a matter of judgment whether in this instance there will be a benefit which goes beyond fixing the roads and even if not, whether fixing the roads. The NALC advice quoted in the reports makes this point as well.

20. If I can help further at this point I would be glad to be of assistance.

James Findlay QC

Tuesday, 09 December 2014

Cornerstone Barristers,
2-3 Gray's Inn Square
London

COMMUNITY GOVERNANCE REVIEW

OPINION

David Lawson

Deputy Head of Legal and Deputy Monitoring
Officer

Thurrock Council

10 December 2014	ITEM:
General Services Committee	
Frost Estate Community Governance Review	
Wards and communities affected: Corringham and Fobbing; Stanford East and Corringham Town	Key Decision: Not applicable
Report of: Graham Farrant, Chief Executive	
Accountable Head of Service: Fiona Taylor, Head of Legal & Democratic Services	
Accountable Director: Graham Farrant, Chief Executive	
This report is public	

Executive Summary

On 10 September 2014, the Council agreed to undertake a Community Governance Review in response to a petition signed by residents of the Frost Estate, which requested that a specified area be designated as a parished area and that a parish council be established, to be known as the Frost Estate Neighbourhood Council.

The timetable and terms of reference for the Review were approved at this meeting (Minute No.42 refers) and the Council agreed that the Review should be progressed through the General Services Committee, with recommendations being brought back to the Council for a final decision to be made in respect of the creation of a parish council.

This report considers the responses to the first stage of the public consultation carried out as part of Review, having regard to the law and the guidance on Community Governance Reviews issued by the Department for Communities and Local Government.

1. Recommendation(s)

The General Services Committee is recommended to:

- 1.1 Note the results of the consultation with residents of the Frost Estate.**
- 1.2 Agree to publish the results of the consultation on the Council's website.**
- 1.3 Consider the results of the consultation, together with the information and advice presented in this report, and formulate a recommendation as**

to the future governance arrangements for the Frost Estate, and in particular, consider whether a parish council should be established.

- 1.4 Agree to proceed to a second stage consultation on the draft recommendation(s) of the Committee in respect of the future governance arrangements for the Frost Estate.**
- 1.5 Note that a report will be brought to Council in March 2015 in order that a final decision may be made in respect of the Review and the future governance arrangements for the Frost Estate.**

2. Introduction and Background

- 2.1 On 10 September 2014, the Council agreed both the terms of reference and timetable for the Community Governance Review to cover the Frost Estate and also agreed that the Review should be progressed through the General Services Committee, with recommendations being brought back to the Council for a final decision to be made in respect of the creation of a parish council.
- 2.2 The first stage of the Review involved consultation with local government electors within the area identified in the petition that triggered the Review. A questionnaire was designed to capture the following:
 - The current community governance arrangements for the area;
 - Whether a parish council should be created;
 - What services any parish council should deliver;
 - The benefits and disadvantages the creation of a parish council would bring to the community; and
 - Any other comments respondents wish the Council to consider.
- 2.3 A copy of the questionnaire is attached at **Appendix 1** to this report for Members' information.
- 2.4 Questionnaires were personally addressed to each elector in the area defined by the petition and hand delivered to each of the 715 registered electors over the weekend of 13 and 14 September 2014. This information was sourced from the electoral register published on 1 September 2014.
- 2.5 An option was also available for residents to complete the questionnaire online via the council's website, with this being available from 15 September 2014.
- 2.6 The deadline for receipt of all completed questionnaires was midnight on Sunday 9 November 2014 and paper copies could either be returned by post or placed into sealed ballot boxes at Corringham Library.
- 2.7 In the course of considering the views of respondents to the questionnaire and formulating recommendations for the future governance arrangements of the

area, the Committee should be aware of the duties with regard to the council and the review under sections 93 and 100 of the Local Government and Public Involvement in Health Act 2007.

3. Issues, Options and Analysis of Options

- 3.1 Under section 93 of the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”), the Council must comply with various duties when undertaking a community governance review, as set out below:
- (a) It must have regard to the need to secure that community governance within the area under review reflects the identities and interests of the community in that area, and is effective and convenient.
 - (b) In deciding what recommendations to make, the council must take into account any other arrangements, apart from those relating to parishes and their institutions, that have already been made, or that could be made for the purposes of community representation or community engagement in respect of the area under review.
 - (c) The council must take in to account any representations received in connection with the review.
- 3.2 Under Section 100 of the Act, the Council must have regard to guidance issued by the Secretary of State. The guidance refers to a desire to help people create cohesive and economically vibrant local communities and states that an important aspect of this is allowing local people a say in the way their neighbourhoods are managed.
- 3.3 The guidance does stress that parish councils are an established and valued form of neighbourhood democracy and management in rural areas that increasingly have a role to play in urban areas and generally have an important role to play in the development of their communities. The need for community cohesion is also stressed along with the Government’s aim for communities to be capable of fulfilling their own potential and overcoming their own difficulties. The value which is placed upon these councils is also highlighted in the fact that the guidance states that the Government expects to see the creation of parishes and that the abolition of parishes should not be undertaken unless clearly justified and with clear and sustained local support for such action.
- 3.4 The guidance also states that the Council must have regard to the need to secure community governance within the area under review reflects the identities of the community in the area and is effective and convenient.

Analysis of responses

- 3.5 Of the 715 questionnaires delivered to registered electors, 357 responses were received which equates to 49.93% of the total electorate.
- 3.6 With regard to the question of a preferred form of community governance for the Frost Estate, a total of 299 respondents indicated a preference for a new parish council for the area to be created. This equates to 83.75% of all respondents who completed the questionnaire and 41.81% of the registered electors in the area surveyed.
- 3.7 Of the remaining responses to the question of a preferred form of community governance for the area, 50 respondents (14.01%) indicated a preference for no change to the current arrangements, 6 respondents (1.68%) indicated a preference for alternative arrangements, and, 2 respondents (0.56%) failed to answer the question.
- 3.8 The “alternative arrangements” identified by the 6 respondents are set out below, although the Committee should bear in mind that these cannot really be considered as a form of community governance but rather, suggestions whereby roads on the Frost Estate could be repaired and maintained:
- *“Responsibility for the roads being taken on by a third party with residents paying a share of the costs in a fair and equitable manner.”*
 - *“Use funds already supplied to Thurrock BC from Frost Estate ratepayers etc.”*
 - *“Road repairs undertaken by Thurrock Council at no cost to residents.” (3 respondents highlighted this)*
 - *“Men and women of the frost estate purchase roads from the crown - set up a charitable trust and grant the roads into the trust for the benefit of the men and women of the frost estate. Community fundraising and sponsored events to raise monies for road repairs. Thurrock Council assist with grants and funds to voluntary/charitable minority groups. Residents Association to apply for a lottery grant.”*
- 3.9 The questionnaire listed a range of services that could be provided by a parish council and residents were asked to give each a score from 1 to 10, where 1 meant the service should not be delivered and 10 meant that it definitely should.
- 3.10 329 respondents provided a view as to which of the services listed they would wish to see a new parish council deliver, although not every respondent provided a score for each of the services listed.

3.11 The table below shows both the total and average scores given and enables each of the services listed in the questionnaire to be ranked in order of the importance that has been placed on them by the local electors who provided a response.

Rank	Service	Total Score given	Average Score given
1	Maintenance and repair of roads	3132	9.67
2	Crime prevention measures	2383	7.89
3	Repair and maintain public footpaths and bridleways	2244	7.48
4	Light roads and public places	2134	7.16
5	Provide traffic signs and other notices	1807	6.02
6	Plant trees and maintain roadside verges	1581	5.55
7	Provide litter bins	1270	4.41
8	Environmental projects	1189	4.09
9	Grants to voluntary groups	959	3.35
10	Provide parking places for vehicles	884	3.18
11	Parks and open spaces	845	2.94
12	Community halls	751	2.62
13	Play areas	746	2.61
14	Provide roadside seats and shelters	719	2.54
15	Allotments	675	2.36
16	Leisure facilities	608	2.15
17	Public toilets	597	2.09
18	Provide bus shelters	578	2.07

3.12 A detailed analysis of the responses provided to the questions in respect of the preferred form of community governance for the Frost Estate and the services any parish council could deliver is set out at **Appendix 2** to this report.

3.13 The questionnaire also asked residents to identify what benefits and disadvantages the creation of a parish council would bring to the community. The detailed responses received are set out in **Appendix 3** and **Appendix 4** respectively for Members' consideration. The Committee should note that the issue of the repair and maintenance of roads on the Frost Estate somewhat dominates the comments that have been submitted. Respondents have also cited other benefits, including residents having more control over their estate, whilst raising the issue of increased costs to local residents as a disadvantage.

3.14 **Appendix 5** to the report sets out the additional comments that have been submitted which respondents wish the Council to consider. Again, the issue of

the repair and maintenance of roads on the Frost Estate somewhat dominates the comments that have been submitted.

- 3.15 It is clear from the responses to the questionnaire that a major factor in both the request for a parish council to be established and the responses to the questionnaire that have been submitted is the repair and maintenance of the roads on the Frost Estate.
- 3.16 The area identified to be covered by the proposed parish council comprises the following roads:
- Arundel Drive;
 - Balmoral Avenue;
 - Central Avenue;
 - Carisbrooke Drive;
 - Chamberlain Avenue;
 - Giffords Cross Avenue (nos. 2-44 and nos.1-45 only);
 - Lampits Hill Avenue;
 - Montfort Avenue;
 - Pembroke Avenue;
 - Windsor Avenue; and
 - York Avenue.
- 3.17 Of the above roads, only Lampits Hill Avenue has been adopted by Thurrock Council, with the remainder of the roads being unadopted and therefore private.
- 3.18 The report considered by the Council on 10 September set out the legal position at some length and included a précis of the legal advice received from the National Association of Local Councils (NALC), which is independent of the council and was therefore considered to provide a useful background to some of the legal issues. As the issue of the repair and maintenance of the roads on the Frost Estate somewhat dominates the responses provided to the first consultation, the Committee should note the following extract from the NALC advice reported on 10 September:

“I am concerned if the community group wants to set up a new parish council for the sole reason that the council could take on responsibility for the repair of private roads, which in any event is subject to ownership of the roads being transferred to the new council and the extant legal obligations of certain homeowners to contribute to expenditure for repairing the roads. A parish council is expected to undertake a range of services for residents and area that it represents. There is risk that responsibility for the repair of the private roads could dominate the budget and activities of a new parish council when arguably such activity benefits only those with (i) a legal obligation to contribute to the cost of the repair of the roads (ii) those that use it.”

“It is my view that it is preferable for the repairs of the private roads to be undertaken by a management company that owns the roads (comprising of members who have legal obligations to contribute to such expenditure) or by the highway authority under the terms of an agreement made under s. 38(3) (a) of the 1980 Act.”

- 3.19 As this is something of a complex matter, the Council has sought additional legal advice and an initial view has been provided by James Findlay QC. Firstly, he has advised that it is difficult to accept that the parish council has any highway powers at all (save anything specifically given to them) but it may be that in some extreme circumstances it could arrange for some work. However, to create a scheme to take over private obligations with no recourse to those obliged to pay is very likely to be unlawful.
- 3.20 Secondly, he has advised that in deciding whether to create a new council the single issue nature of its aims and the concern as to those aims are likely to be material considerations.
- 3.21 The Committee should consider whether it is appropriate to recommend the creation of a parish council on this basis, particularly in light of the legal issues that have been highlighted in this regard in both the report to the Council on 10 September and in paragraphs 3.18 to 3.21 of this report.

Issues for the Committee to consider if minded to recommend the creation of a parish council

The number of parish councillors

- 3.22 Section 16(1) of the Local Government Act 1972 establishes five councillors as the legal minimum size of a parish council but it does not make any link between the number of electors and the size of the council. NALC, the body which represents parish councils, has indicated that it believes that seven should be minimum size and has suggested that the number of members be allocated depending upon the size of population being represented.
- 3.23 In practice, there is a wide variation of council size between parish councils. That variation appears to be influenced by population. Research has found that the typical parish council representing between 501 and 2,500 had six to 12 councillors.

3.24 The table below shows the ratio of councillors to electors, ranging from the legal minimum number of councillors to the larger of the typical parish council sizes identified in the research. From the petition submitted to trigger this Review, the Frost Estate Residents Association has 10 Members.

Number of Parish Councillors	Electorate	Ratio of councillors to electors
5	715	1 : 143
6	715	1 : 119
7	715	1 : 102
8	715	1 : 89
9	715	1 : 79
10	715	1 : 71
11	715	1 : 65
12	715	1 : 60

The services any new council would provide

3.25 Parish councils vary widely both in terms of the populations they represent and the functions they perform. Some have a very limited, local role whilst others are more active, carrying out activities similar to that of a smaller borough council. Parish councils are considered to be an essential part of the structure of local democracy and do have a role in acting on behalf of the communities they represent. They can:

- give views, on behalf of the community, on planning applications and other proposals that affect the parish;
- undertake projects and schemes that benefit local residents;
- work in partnership with other bodies to achieve benefits for the parish;
- alert relevant authorities to problems that arise or work that needs to be undertaken; and
- help the other tiers of local government keep in touch with their local communities.

3.26 Research suggests that typical parish responsibilities include village halls, war memorials, open spaces, cemeteries, allotments, leisure facilities, playgrounds, maintenance of public footpaths and cultural projects. However, it has been noted earlier in this report that a major factor in both the request for a parish council to be established and the responses to the questionnaire that have been submitted is the repair and maintenance of the roads on the Frost Estate.

3.27 This would not be a function that is normally undertaken by a parish council, with the extant legal obligations on frontagers to contribute to the cost of the repair of the roads, and, the significant costs involved with such an activity being relevant considerations.

- 3.28 The Committee must therefore satisfy itself whether the creation of a parish council, being a statutory local authority set up under the Local Government Act 1972, is the most suitable vehicle to deliver what many local residents would like, particularly in the context of the legal position in respect of the repair and maintenance of the roads.

Financial implications for local residents

- 3.29 In order to fund their activities, parish councils can instruct their billing authority (who in this case would be Thurrock Council) to collect extra money on their behalf that is added onto the council tax bill. This is known as a “local precept” and is to be paid by all households living in the area covered by the parish council. The main activity the petitioners and a large number of respondents to the questionnaire appear to wish for the proposed parish council to engage in, the repair and maintenance of the roads, is very expensive and some of the concerns expressed by respondents to the questionnaire have been in respect of the potential additional cost to them.
- 3.30 Once established, a parish council can also apply for funding, by way of applications for grants, and it can also seek to borrow. Borrowing by parish councils is governed by schedule 1 to the Local Government Act 2003 and parish councils in England have to apply and receive approval from the Secretary of State for Communities and Local Government before taking up any borrowing, although certain temporary borrowings do not require borrowing approval. Councils can borrow for capital expenditure as defined in section 16 of the Local Government Act 2003.
- 3.31 There is no national limit on the total annual amount of borrowing available to local councils in England. However, the amount that an individual council will be allowed to borrow is normally limited to £500,000 in any one financial year. As with all borrowing, this needs to be repaid over the term of the loan and also attracts a level of interest that will be added to the repayments.

Other arrangements that have already been made, or that could be made for the purposes of community representation or community engagement

- 3.32 Residents of the Frost Estate have established the Frost Estate Residents Association. Indeed, the Steering Group of the Association, which comprises 10 members, co-ordinated and submitted the petition that triggered this Review.
- 3.33 The Residents Association already communicates with residents of the estate by way of a newsletter and the newsletter includes the strap line “*Keeping residents of the Frost Estate fully informed of matters affecting them and the Estate and gathering the opinions of our community as a whole*”.

3.34 A residents association can be a very effective body and such groups can:

- Represent the collective views of residents'
- Have a voice in planning for the local area
- Help improve the quality of life for all members of the community
- Represent the views of local people to the Council
- Be recognised as a democratically elected group and have more influence.

3.35 In addition to the above, some groups are set up to achieve a specific aim such as:

- Helping to tackle antisocial behaviour or crime
- Protesting against planned developments in their area
- Raising funds to improve local facilities, such as community gardens or play areas.

3.36 From looking at the results of the survey, it should be noted that respondents ranked crime prevention measures as the second most important function of a parish council to them. However, such a function could be undertaken by the existing Residents Association and this could be enhanced by making further links with the Council, the Community Safety Partnership (and Essex Police) and the Community Forums that cover both Corringham & Fobbing and Stanford-Le-Hope.

3.37 Other functions of a parish council that respondents to the survey ranked highly were as follows:

- Repair and maintain public footpaths and bridleways

Public footpaths and bridleways in Thurrock are shown on the Rights of Way map, which can be viewed on the Council's website. A small length of public footpath (FP 165) runs from Lampits Hill to Carisbrook Drive. This would border the area of the proposed parish council but is currently maintained by Thurrock Council and would come within the Council's Public Rights of Way Improvement Plan.

There are no further public footpaths or bridleways that fall within the boundaries of the proposed parish council, as shown on the Rights of Way map for Thurrock, and so the extent of the functions that could be undertaken by any parish council in this regard, should such a body be created, is questionable.

- Plant trees and maintain roadside verges

As an alternative to a parish council, such an activity could be organised and undertaken by the existing Residents Association.

- Provide traffic signs and other notices

Highway Authorities are responsible for ensuring correct standards of signing on their roads; only they can erect traffic signs or permit their erection and this includes a private street with public access. The Police also have certain responsibilities.

However in England and Wales (excluding Scotland), it is the local authority, which may not necessarily be the highway authority, that is responsible for erecting and maintaining waiting restriction and speed limit signs and for establishing pedestrian crossings in their area.

Authorities may only use signs, including carriageway markings, of a size, colour and type prescribed or specially authorised by the Secretary of State. The prescribed signs are included in The Traffic Signs Regulations and General Directions 2002.

A parish council would therefore need powers to provide traffic signs to delegated to them by Thurrock Council, as the Highway Authority for the area.

- Light roads and public places

If the road has not been adopted, there is no duty on the highway authority to provide lighting and the responsibility lies with the owners of those properties that have frontage rights on to the road. It is possible, that a local authority (or district, parish or community council) may decide to provide lighting for an unadopted road if it is used by the public as a footpath.

A note of caution should be raised regarding the costs involved when a parish council takes responsibility for providing and operating street lights. The following example is from Chesham Bois Parish Council in Buckinghamshire, whose website includes the following information:

“As already explained the Parish Council provides and operates all the street lighting in the Parish, except for the lighting on the A416, which is the responsibility of BCC [Buckinghamshire County Council]. A significant part of the “rates” (Community Charge) paid by residents to the Parish Council is spent on street lighting. In round terms electricity and maintenance of the lights each cost approximately £2,000 every year.

..... The Parish Council have therefore been pushing manufacturers hard to develop suitable LED lamps, which, if successful, will reduce electricity consumption by around 75%.”

Conclusion

- 3.38 In order to recommend the creation of a parish council for the Frost Estate, the Committee should be satisfied that such a body would reflect the identities and interests of the community in that area, and would be effective and convenient.
- 3.39 From the issues set out within the petition that triggered the Review, and from priorities that have been identified by respondents to the survey, there is doubt that a parish council could deliver what has been requested and therefore be effective, particularly given the advice that to create a scheme to take over private obligations with no recourse to those obliged to pay is very likely to be unlawful.
- 3.40 In addition, of the other potential services identified by respondents to the survey, it could be argued that a parish council may not be the most effective solution and that, in the form of the Frost Estate Residents Association, other arrangements either have already been made, or could be made for the purposes of community representation or community engagement.

4. Reasons for Recommendation

- 4.1 The General Services Committee have been asked to progress the Community Governance Review and make a recommendation in respect of the creation or otherwise of a new parish council for the Frost Estate. This recommendation will be the subject of further consultation with local electors and other groups before a final decision is made by the Council.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 A meeting with representatives of the Residents Association and ward councillors has been scheduled to take place on the evening of 2 December to discuss the Review.
- 5.2 Consultation is an integral part of the Community Governance Review. The report advises the committee of the results of the consultation that has been undertaken to date. Any recommendations made by the General Services Committee will be the subject of further consultation with local residents, together with other interested parties.

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 The maintenance of good governance is essential to the council in discharging its functions in a timely, open and transparent manner for the benefit of the residents of the borough. The request to create a new parish council is being undertaken in line with the requirements of relevant legislation and the principles of good governance.

7. Implications

7.1 Financial

Implications verified by: **Sean Clark**
Head of Corporate Finance

There will be a financial cost in conducting the next stage of the Community Governance Review, particularly in respect of the consultation process.

A dedicated budget code has been created and costs to date for the Review have been £461 for the printing and delivery of the questionnaire to residents, with this being accommodated within existing budgets. Further costs are likely to be incurred as a result of the Council seeking detailed legal advice.

The cost of a further consultation process on the recommendations of the General Services Committee is likely to be in the region of £500, as the next stage of the consultation process will again involve local residents in the area defined by the petition, as well as other interested parties outside of this. As part of this, it is proposed to hold a meeting with local residents and, whilst additional costs may arise as a result, it is anticipated that these can be kept within existing budgets.

7.2 Legal

Implications verified by: **David Lawson**
Deputy Head of Legal & Democratic Services

The legal implications are set out and explained within the body of the report.

7.3 Diversity and Equality

Implications verified by: **Natalie Warren**
Community Development and Equalities Manager

There are no diversity and equality implications to report at this stage.

7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None.

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- Local Government and Public Involvement in Health Act 2007 (available online at <http://www.legislation.gov.uk/ukpga/2007/28/contents>)
- Guidance on community governance reviews (available online at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/8312/1527635.pdf)
- Public Rights of Way in Thurrock (available online at <https://www.thurrock.gov.uk/public-rights-of-way/public-rights-of-way-maps>)

9. Appendices to the report

- **Appendix 1** – questionnaire distributed to registered electors living in the area designated by the petition.
- **Appendix 2** – analysis of the responses received to the consultation
- **Appendix 3** – the benefits respondents think a parish council would bring for the community
- **Appendix 4** – the disadvantages respondents think a parish council would bring for the community
- **Appendix 5** – other comments and observations respondents would like the Council to consider

Report Author:

Steve Jones

Democratic Services Manager

Legal & Democratic Services

COMMUNITY GOVERNANCE REVIEW

STAGE ONE CONSULTATION

What is a community governance review?

Community governance reviews provide an opportunity for Councils to review and make changes to local community (parish) governance arrangements within their areas. The objective of any review is to ensure that local governance continues to be effective and convenient and that it reflects the identities and interests of local communities. The recommendations arising from any community governance review should deliver improved community engagement, more cohesive communities, better local democracy and result in more efficient delivery of local services.

The review can consider a range of topics and can include the following:

- Creation, merging, altering and abolishing of parish areas;
- the naming of parishes;
- the electoral arrangements for parishes (creating a council; the number of councillors to be elected to the council; parish warding); and
- other matters such as the 'knock-on' effect on the council divisions or wards or the setting of the commencement dates for any new arrangements

Why are we doing this?

Thurrock Council is undertaking a community governance review to consider whether a parish council should be created to cover the Frost Estate. This is because we have received a petition signed by 383 local residents, who have requested that a parish council be created to:

- *"Organise and oversee appropriate road refurbishment and on-going maintenance.*
- *Promote a traffic & pedestrian safety awareness scheme and introduce speed limits and hazard signs.*
- *Monitor HGV traffic with culpability for road damage incurred.*
- *Ensure all households contribute an agreed small monthly amount towards the cost.*
- *Represent the views of estate residents to Thurrock Council and other bodies."*

Parish councils are the most local level of democratic representation in the country, and they can provide a range of different services to the community, at a very local level.

What will the Council be doing?

This first stage is to ask you a series of questions to help us understand what kind of information you need to make an informed decision about whether you would like to see a parish council created.

We will also ask you what services you would like to see a parish council do, what benefits you think a parish council may bring to the area and whether you have any concerns about the proposal.

A second stage of consultation will take place later this year/early next year, where we will be asking for your views on the recommendations to be made by Thurrock Council, which must take account of the local opinion on the matters considered by the review, as well as any representations made by local people and other interested persons.

Where can you find out more ?

We have published information on our website [about the community governance review and the](#)

request we have received to create a parish council for the Frost Estate. This can be found at:

www.thurrock.gov.uk/parishcouncils

How can you tell us what you think?

- You can tell us what you think by completing our questionnaire online at:

<https://consult.thurrock.gov.uk/public/tc/cedu/cdande/frost>

- You can complete the enclosed questionnaire and return it to the address given

If you have any questions about this process, please use the following contact information:

By email to: Direct.Democracy@thurrock.gov.uk

By post to: Community Governance Review, c/o Democratic Services, Thurrock Council, Civic Offices, New Road, Grays, RM17 6SL



1. What is your preferred form of community governance for the Frost Estate?
(please select one answer)

- New parish council for the area of the Frost Estate
- No change to current arrangements
- Alternative arrangements

1b. If you indicated 'alternative arrangements', please outline the arrangements you would like to see below:

2. Do you feel you have sufficient information about the role and responsibilities of a parish council, or do you need any extra information?

Please indicate where you would need this information.

(please select one answer for each question)

	Yes	No	Maybe
The additional cost to me as a Council Tax payer	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The services any new council would provide	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The additional resources any new council would attract	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The number of parish councillors	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
How often I will be able to vote for parish councillors	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
How the parish council would be managed	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



3. If there is to be a parish council for the Frost Estate, which of these services do you think it should deliver?

Please give a score from 1 to 10, where 1 means the service should not be delivered and 10 means that it definitely should.

(please select one answer for each question)

	1	2	3	4	5	6	7	8	9	10
Parks & open spaces	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Play areas	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Community halls	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Public toilets	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Allotments	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Leisure facilities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Grants to voluntary groups	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Environmental projects	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Crime prevention measures	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Repair & maintain public footpaths & bridleways	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Light roads and public places	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Plant trees and maintain roadside verges	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Provide litter bins	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Provide parking places for vehicles	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Provide roadside seats and shelters	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Provide bus shelters	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Provide traffic signs and other notices	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Maintenance and repair of roads	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



4. If there are any other services you think should be provided by a parish council, please list these below:

5. What benefits do you think a parish council would bring for the community?

6. What disadvantages do you think a parish council would bring for the community?

7. Do you have any other comments or observations you would like the Council to consider?



About you

Name:

First line of address:

Postcode:

Email address:

You can return this questionnaire:

By email to: Direct.Democracy@thurrock.gov.uk

By post to: Community Governance Review, c/o Democratic Services, Thurrock Council, Civic Offices, New Road, Grays, RM17 6SL

By hand: Completed paper copies of the survey can be returned to Corringham Library which is hosting a ballot box for the period of the consultation. Please note that the Library closes at 1pm every Wednesday.

Corringham Library, St Johns Way, Corringham, Essex, SS17 7LJ

Open 10am – 5pm apart from Wednesday – closes 1pm

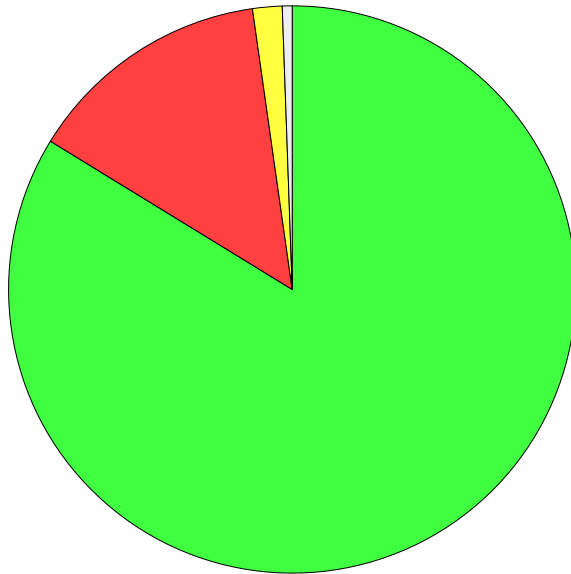
Report Settings Summary

Event	Community Governance Review
Total Responses	357
Total Respondents	1
Questions	<i>Custom selection (see Table Of Contents)</i>
Filter	<i>(none)</i>
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Created on	2014-11-13 15:25:03
Created by	Roxanne Scanlon

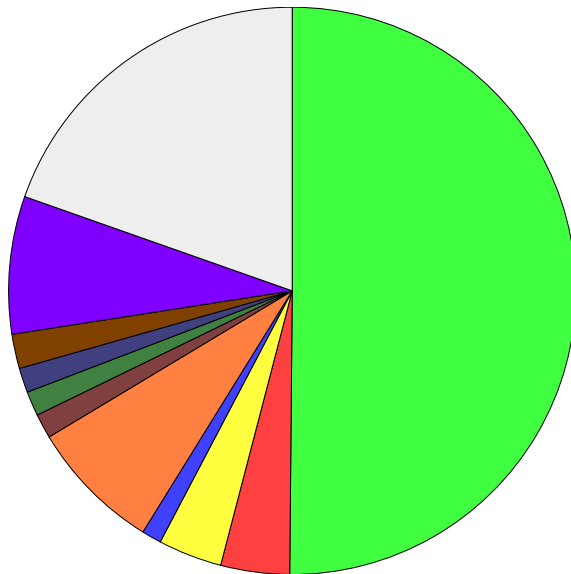
Question responses: **355 (99.44%)**

1. What is your preferred form of community governance for the Frost Estate?

Page 90



	% Total	% Answer	Count
■ New parish council for the area of the Frost Estate	83.75%	84.23%	299
■ No change to current arrangements	14.01%	14.08%	50
■ Alternative arrangements	1.68%	1.69%	6
■ [No Response]	0.56%	--	2
Total	100.00%	100.00%	357

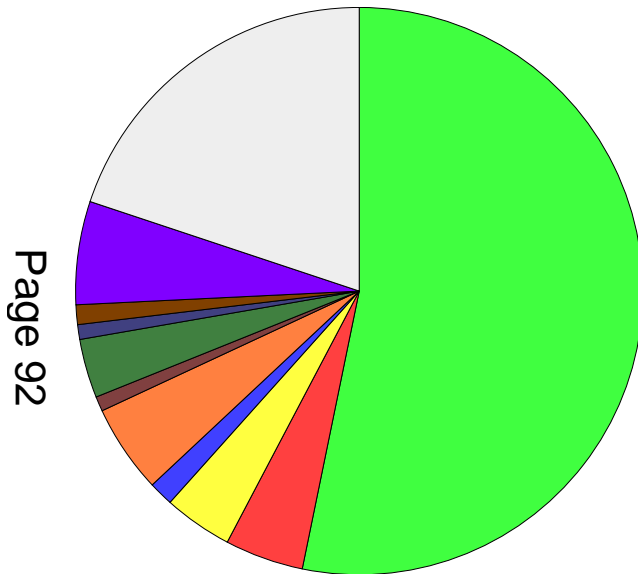
services deliver
Question responses: 329 (92.16%)
Parks & open spaces
Question responses: 287 (80.39%)
Page 91


	% Total	% Answer	Count
■ 1	50.14%	62.37%	179
■ 2	3.92%	4.88%	14
■ 3	3.64%	4.53%	13
■ 4	1.12%	1.39%	4
■ 5	7.56%	9.41%	27
■ 6	1.40%	1.74%	5
■ 7	1.40%	1.74%	5
■ 8	1.40%	1.74%	5
■ 9	1.96%	2.44%	7
■ 10	7.84%	9.76%	28
■ [No Response]	19.61%	--	70
Total	100.00%	100.00%	357

Play areas












Question responses: **286 (80.11%)**

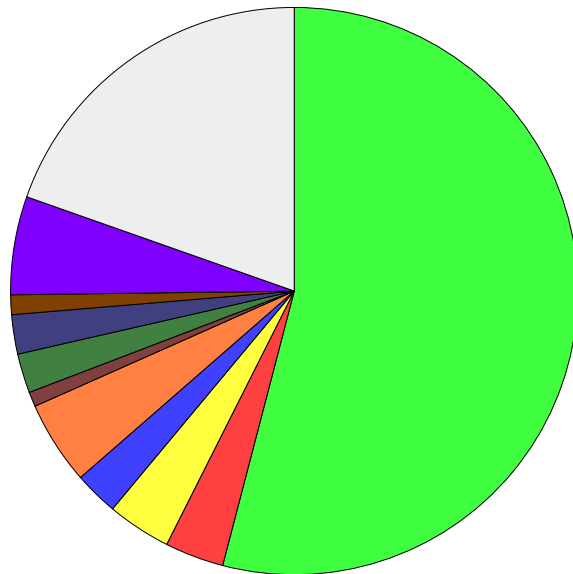
	% Total	% Answer	Count
1	53.22%	66.43%	190
2	4.48%	5.59%	16
3	3.92%	4.90%	14
4	1.40%	1.75%	5
5	5.04%	6.29%	18
6	0.84%	1.05%	3
7	3.36%	4.20%	12
8	0.84%	1.05%	3
9	1.12%	1.40%	4
10	5.88%	7.34%	21
[No Response]	19.89%	--	71
Total	100.00%	100.00%	357



Community halls

Question responses: **287 (80.39%)**

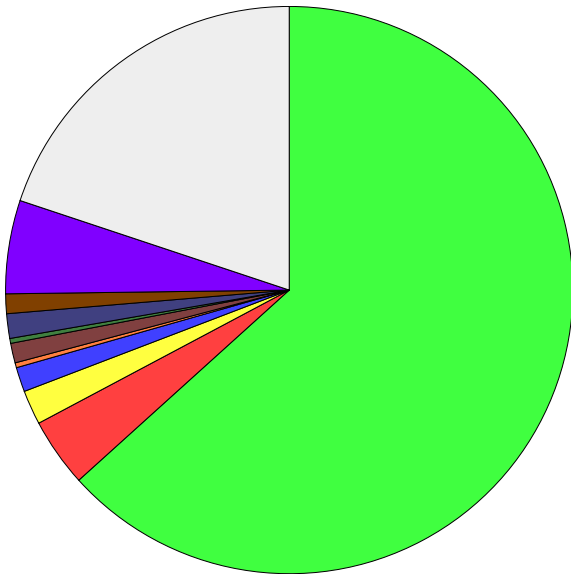
	% Total	% Answer	Count
 1	54.06%	67.25%	193
 2	3.36%	4.18%	12
 3	3.64%	4.53%	13
 4	2.52%	3.14%	9
 5	4.76%	5.92%	17
 6	0.84%	1.05%	3
 7	2.24%	2.79%	8
 8	2.24%	2.79%	8
 9	1.12%	1.39%	4
 10	5.60%	6.97%	20
 [No Response]	19.61%	--	70
Total	100.00%	100.00%	357



Public toilets

Question responses: **286 (80.11%)**












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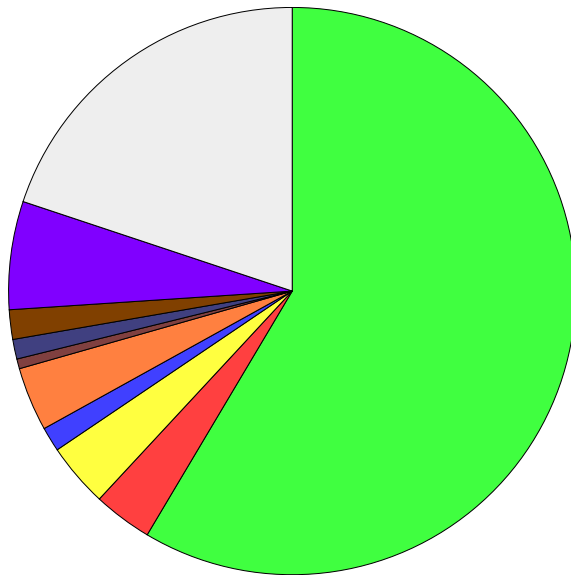


	% Total	% Answer	Count
1	63.31%	79.02%	226
2	3.92%	4.90%	14
3	1.96%	2.45%	7
4	1.40%	1.75%	5
5	0.28%	0.35%	1
6	1.12%	1.40%	4
7	0.28%	0.35%	1
8	1.40%	1.75%	5
9	1.12%	1.40%	4
10	5.32%	6.64%	19
[No Response]	19.89%	--	71
Total	100.00%	100.00%	357

Allotments

Question responses: **286 (80.11%)**

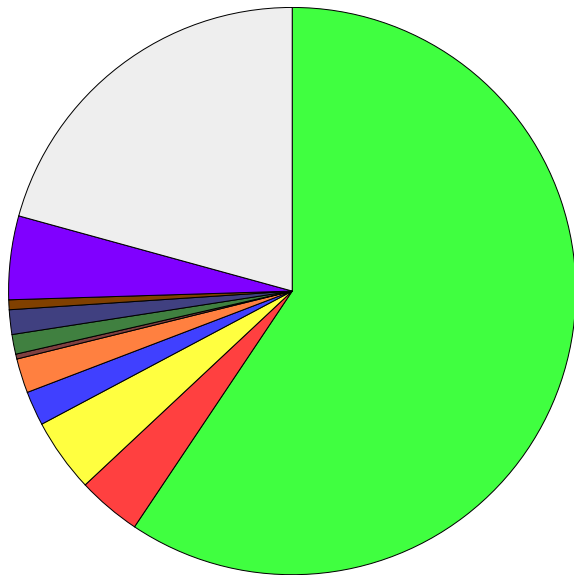
	% Total	% Answer	Count
 1	58.54%	73.08%	209
 2	3.36%	4.20%	12
 3	3.64%	4.55%	13
 4	1.40%	1.75%	5
 5	3.64%	4.55%	13
 6	0.56%	0.70%	2
 7	0.00%	0.00%	0
 8	1.12%	1.40%	4
 9	1.68%	2.10%	6
 10	6.16%	7.69%	22
 [No Response]	19.89%	--	71
Total	100.00%	100.00%	357



Leisure facilities












Question responses: **283 (79.27%)**

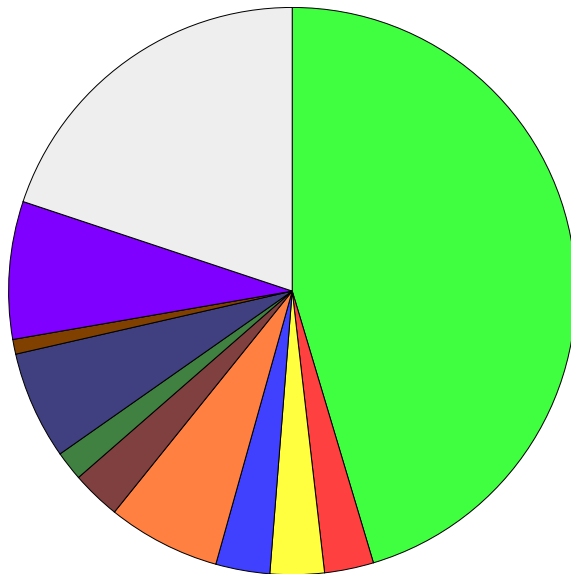
	% Total	% Answer	Count
1	59.38%	74.91%	212
2	3.64%	4.59%	13
3	4.20%	5.30%	15
4	1.96%	2.47%	7
5	1.96%	2.47%	7
6	0.28%	0.35%	1
7	1.12%	1.41%	4
8	1.40%	1.77%	5
9	0.56%	0.71%	2
10	4.76%	6.01%	17
[No Response]	20.73%	--	74
Total	100.00%	100.00%	357



Grants to voluntary groups

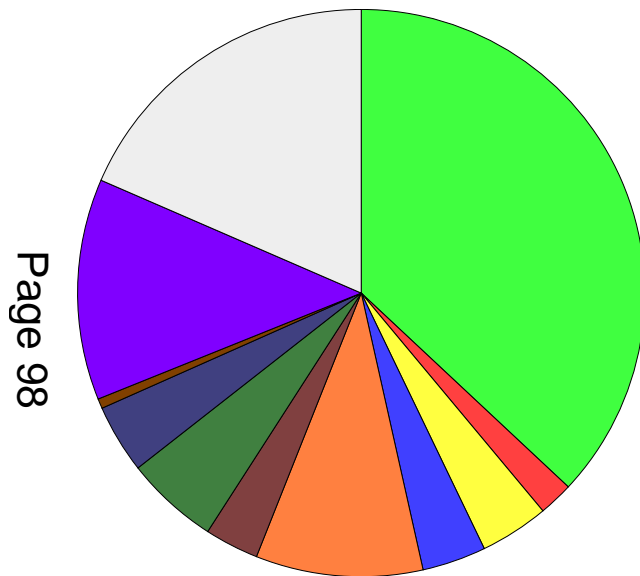
 Question responses: **286 (80.11%)**












	% Total	% Answer	Count
 1	45.38%	56.64%	162
 2	2.80%	3.50%	10
 3	3.08%	3.85%	11
 4	3.08%	3.85%	11
 5	6.44%	8.04%	23
 6	2.80%	3.50%	10
 7	1.68%	2.10%	6
 8	6.16%	7.69%	22
 9	0.84%	1.05%	3
 10	7.84%	9.79%	28
 [No Response]	19.89%	--	71
Total	100.00%	100.00%	357



Environmental projects












Question responses: **291 (81.51%)**

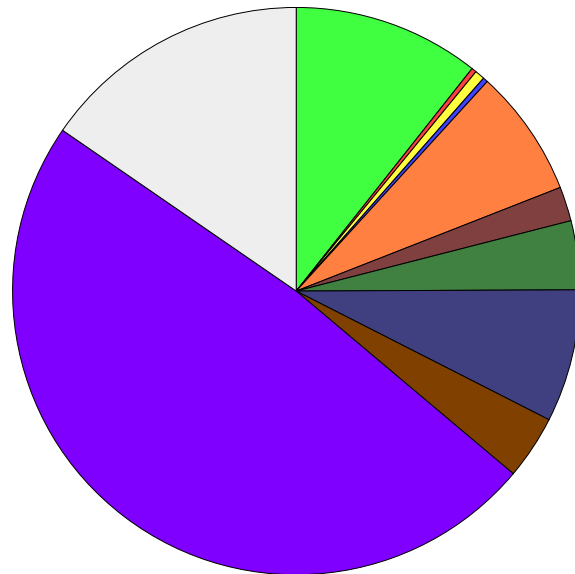


	% Total	% Answer	Count
 1	36.97%	45.36%	132
 2	1.96%	2.41%	7
 3	3.92%	4.81%	14
 4	3.64%	4.47%	13
 5	9.52%	11.68%	34
 6	3.08%	3.78%	11
 7	5.32%	6.53%	19
 8	3.92%	4.81%	14
 9	0.56%	0.69%	2
 10	12.61%	15.46%	45
 [No Response]	18.49%	--	66
Total	100.00%	100.00%	357

Crime prevention measures

Question responses: **302 (84.59%)**

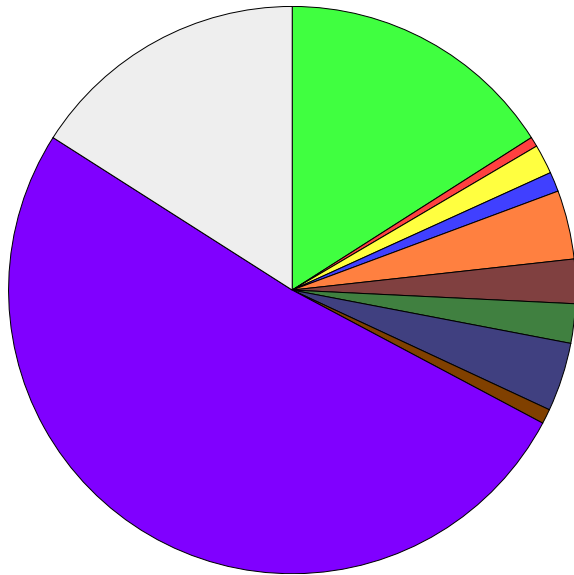
	% Total	% Answer	Count
 1	10.64%	12.58%	38
 2	0.28%	0.33%	1
 3	0.56%	0.66%	2
 4	0.28%	0.33%	1
 5	7.28%	8.61%	26
 6	1.96%	2.32%	7
 7	3.92%	4.64%	14
 8	7.56%	8.94%	27
 9	3.64%	4.30%	13
 10	48.46%	57.28%	173
 [No Response]	15.41%	--	55
Total	100.00%	100.00%	357



Repair & maintain public footpaths & bridleways

Question responses: **300 (84.03%)**












Page 100

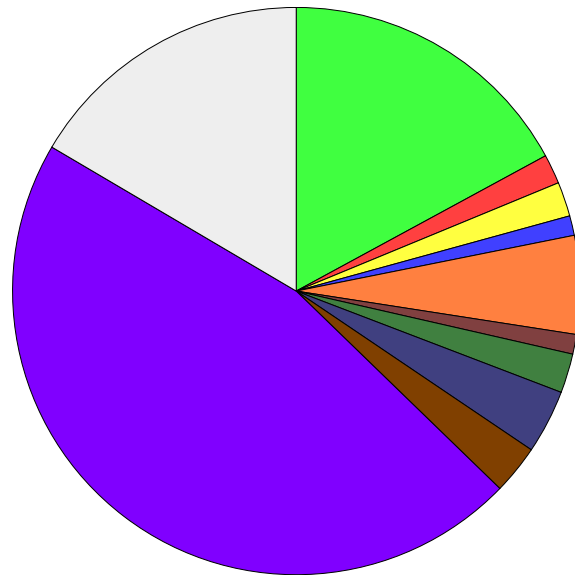


	% Total	% Answer	Count
1	15.97%	19.00%	57
2	0.56%	0.67%	2
3	1.68%	2.00%	6
4	1.12%	1.33%	4
5	3.92%	4.67%	14
6	2.52%	3.00%	9
7	2.24%	2.67%	8
8	3.92%	4.67%	14
9	0.84%	1.00%	3
10	51.26%	61.00%	183
[No Response]	15.97%	--	57
Total	100.00%	100.00%	357

Light roads and public places

Question responses: **298 (83.47%)**

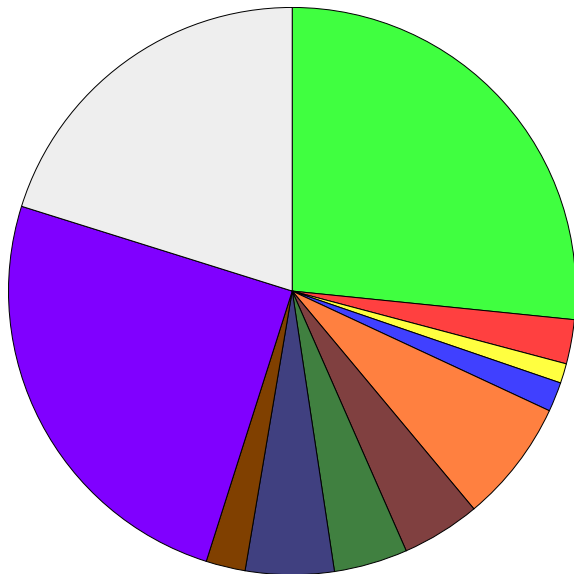
	% Total	% Answer	Count
 1	17.09%	20.47%	61
 2	1.68%	2.01%	6
 3	1.96%	2.35%	7
 4	1.12%	1.34%	4
 5	5.60%	6.71%	20
 6	1.12%	1.34%	4
 7	2.24%	2.68%	8
 8	3.64%	4.36%	13
 9	2.80%	3.36%	10
 10	46.22%	55.37%	165
 [No Response]	16.53%	--	59
Total	100.00%	100.00%	357



Plant trees and maintain roadside verges

Question responses: **285 (79.83%)**












Page 102

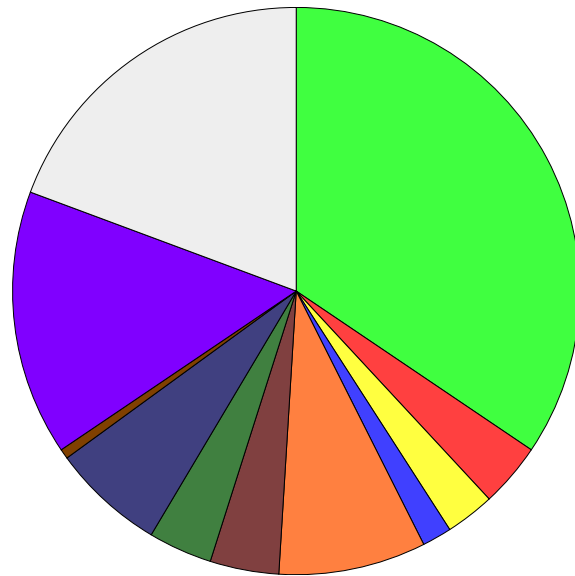


	% Total	% Answer	Count
1	26.61%	33.33%	95
2	2.52%	3.16%	9
3	1.12%	1.40%	4
4	1.68%	2.11%	6
5	7.00%	8.77%	25
6	4.48%	5.61%	16
7	4.20%	5.26%	15
8	5.04%	6.32%	18
9	2.24%	2.81%	8
10	24.93%	31.23%	89
[No Response]	20.17%	--	72
Total	100.00%	100.00%	357

Provide litter bins

Question responses: **288 (80.67%)**

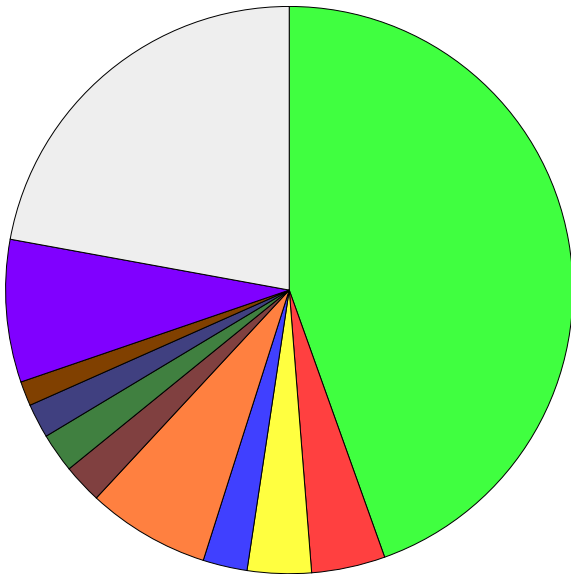
	% Total	% Answer	Count
 1	34.45%	42.71%	123
 2	3.64%	4.51%	13
 3	2.80%	3.47%	10
 4	1.68%	2.08%	6
 5	8.40%	10.42%	30
 6	3.92%	4.86%	14
 7	3.64%	4.51%	13
 8	6.44%	7.99%	23
 9	0.56%	0.69%	2
 10	15.13%	18.75%	54
 [No Response]	19.33%	--	69
Total	100.00%	100.00%	357



Provide parking places for vehicles

Question responses: **278 (77.87%)**

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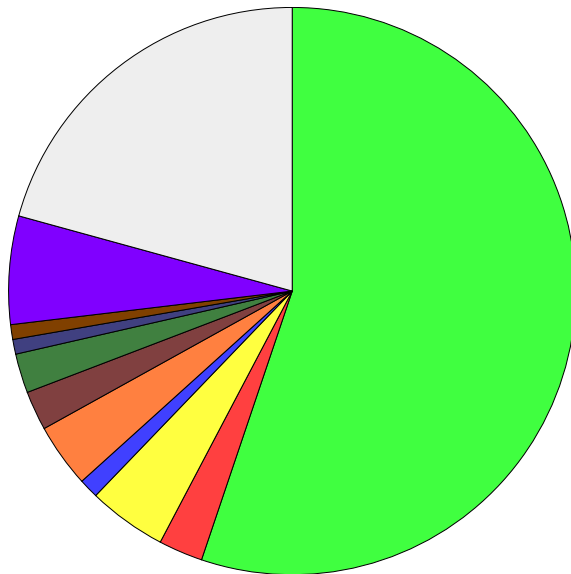


	% Total	% Answer	Count
1	44.54%	57.19%	159
2	4.20%	5.40%	15
3	3.64%	4.68%	13
4	2.52%	3.24%	9
5	7.00%	8.99%	25
6	2.24%	2.88%	8
7	2.24%	2.88%	8
8	1.96%	2.52%	7
9	1.40%	1.80%	5
10	8.12%	10.43%	29
[No Response]	22.13%	--	79
Total	100.00%	100.00%	357

Provide roadside seats and shelters

Question responses: **283 (79.27%)**

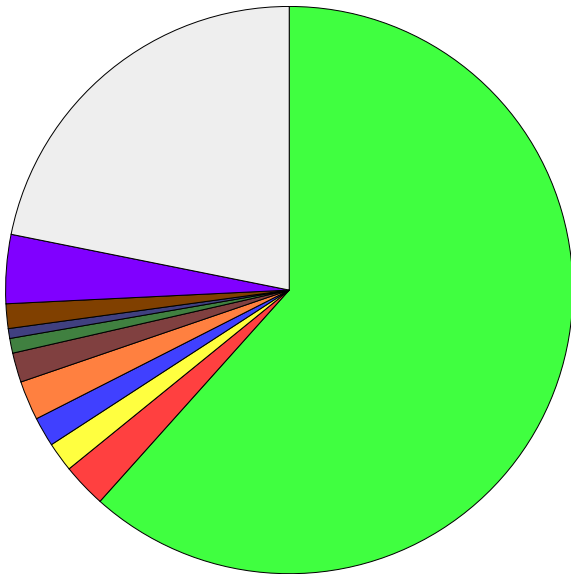
	% Total	% Answer	Count
1	55.18%	69.61%	197
2	2.52%	3.18%	9
3	4.48%	5.65%	16
4	1.12%	1.41%	4
5	3.64%	4.59%	13
6	2.24%	2.83%	8
7	2.24%	2.83%	8
8	0.84%	1.06%	3
9	0.84%	1.06%	3
10	6.16%	7.77%	22
[No Response]	20.73%	--	74
Total	100.00%	100.00%	357



Provide bus shelters

Question responses: **279 (78.15%)**

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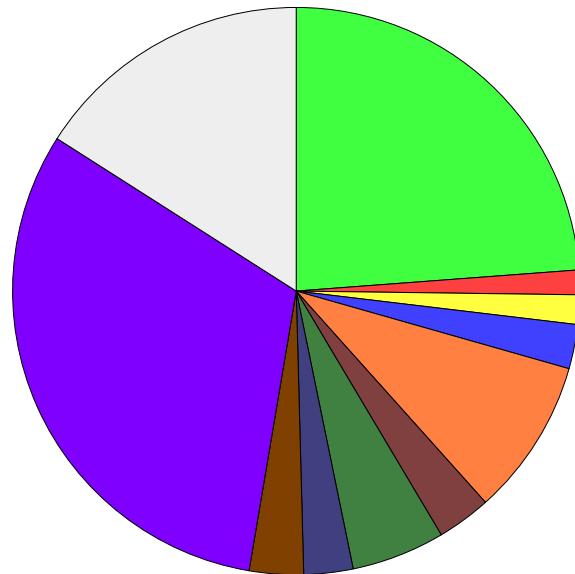


	% Total	% Answer	Count
1	61.62%	78.85%	220
2	2.52%	3.23%	9
3	1.68%	2.15%	6
4	1.68%	2.15%	6
5	2.24%	2.87%	8
6	1.68%	2.15%	6
7	0.84%	1.08%	3
8	0.56%	0.72%	2
9	1.40%	1.79%	5
10	3.92%	5.02%	14
[No Response]	21.85%	--	78
Total	100.00%	100.00%	357

Provide traffic signs and other notices

 Question responses: **300 (84.03%)**

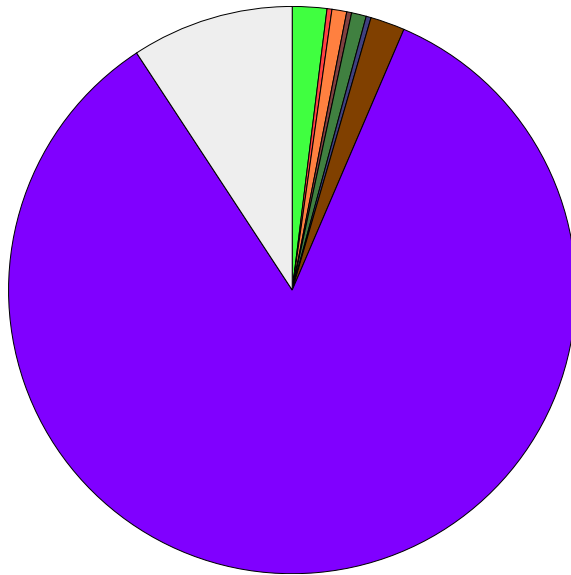
	% Total	% Answer	Count
1	23.81%	28.33%	85
2	1.40%	1.67%	5
3	1.68%	2.00%	6
4	2.52%	3.00%	9
5	8.96%	10.67%	32
6	3.08%	3.67%	11
7	5.32%	6.33%	19
8	2.80%	3.33%	10
9	3.08%	3.67%	11
10	31.37%	37.33%	112
[No Response]	15.97%	--	57
Total	100.00%	100.00%	357














Maintenance and repair of roads

Question responses: **324 (90.76%)**

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	% Total	% Answer	Count
 1	1.96%	2.16%	7
 2	0.28%	0.31%	1
 3	0.00%	0.00%	0
 4	0.00%	0.00%	0
 5	0.84%	0.93%	3
 6	0.28%	0.31%	1
 7	0.84%	0.93%	3
 8	0.28%	0.31%	1
 9	1.96%	2.16%	7
 10	84.31%	92.90%	301
 [No Response]	9.24%	--	33
Total	100.00%	100.00%	357

What benefits do you think a parish council would bring for the community?

- *Provide a line of communication to the Local Authority & maybe therefore ensure a response. To provide a pressure group to ensure that the local authority actually listen to the concerns of the local authority rather than mere lip service meaning local people become pretty much ignored. Devolved democracy allowing the community to make decisions directly rather than reliance on anonymous councillors ensconced in the Council Chamber.*
- *A group effort to maintaining the roads.*
- *Local people would have an opportunity to express their views which could then be taken to the council.*
- *maintenance and repair of roads, drainage, and pavements*
- *Road improvements, perhaps making residents adhere to planning rules.*
- *None except local knowledge of the area. I have lived in this house on the Frost estate my entire life. I was born in this very bungalow. I like it here. I don't think much needs changing. One or two roads need complete rebuilding, but that's about all.*
- *it would help manage local issues that people from outside the area might not be aware of or interested in.*
- *Hopefully get our roads sorted out and maintained properly*
- *A Parish would ensure that residents could say what happens in the future on the estate. Preserve, Maintain and Improve our unique area.*
- *More local involvement in decision making*
- *the ability fix the roads*
- *Someone to talk to who lives on the frost estate*
- *Having a committee of local people who understand the problems of the Frost Estate*
- *We desperately need our roads repaired and maintained and it seems this is the only way this is going to happen and the benefit to the community would be immense.*
- *Better access to frost estate*
- *I do not/have not been given enough information in order to answer fully this question.*
- *I don't think it would. This petition to set up a parish council has been created for the sole purpose of enabling the roads to be repaired. Whilst this is laudable, after reading the Cabinet report, I think that there are significant obstacles to be overcome for this to be created and even if this was successful, it is doubtful that the new parish council would be able to achieve their aims for all the reasons on the Cabinet report. In addition, it is doubtful whether a parish council would be interested in being involved in the number of activities in which it would be practicable to participate - please see comments in 4. above*
- *Big Benefit to improve the area and give residents a bigger say, we pay for services that we do not get, such as Street Cleansing and Highway Maintenance.*
- *Should bring a greater focus to the disgraceful state of the roads on the estate without sacrificing the privacy we currently enjoy or any increase in speed limits.*
- *Local people deciding local priorities, not faceless bureaucrats in the Thurrock*

Council ivory tower.

- *A chance to look after our own needs and priorities*
- *Improve community feeling. More local control of planning and development.*
- *Hopefully bring the roads on the Frost Estate up to an acceptable standard.*
- *Hopefully repair and maintain roads.*
- *Sort the roads out*
- *Allow the repair of the roads/drainage systems, with the costs shared equally across the estate.*
- *Control over the repairs of the roads on the Estate, ensuring that all houses on the estate contribute equal amounts.*
- *The main issue on the Frost estate are the roads - if the parish council could improve the quality of the roads / lighting and footpaths this would be the main benefit.*
- *decent roads*
- *Speed restrictions on improved road system*
- *Decent roads and drainage*
- *I have no idea? We need more info.*
- *The idea of the parish council is to get the roads on the frost estate (to keep it's looks) repaired. I don't want the roads widened which will change the estates appeal.*
- *Will be in charge of our own estate*
- *A parish council would help to improve the estate and it make it more desirable to live there which would help retain the value of the properties.*
- *It would increase the feeling of community on the Frost Estate but also improve the roads which is what everybody is interested in.*
- *We would have control over our own estate*
- *Better local control by local people*
- *Get roads and pavements sorted at last*
- *Local control*
- *ability to deliver the needs for the estate and not council directives*
- *if run correctly - would bring a new community trust across the estate*
- *Have a voice direct to Thurrock Council*
- *representation for the complete estate*
- *Opportunity for community to come Together to repair the roads on the Frost Estate and then maintain the roads.*
- *A togetherness across the estate, a feeling that we are all in it together. A vehicle for getting things done, ie road repairs*
- *A coherent representation for the residents of the Frost Estate.*
- *Much better roads on the estate with yearly maintenance*
- *To have good serviceable roads running through the estate.*
- *To have good serviceable roads running through the estate*
- *None! Thurrock Council will continue to "pass the buck" with regard to services which are paid for through "rates" but not supplied in practice.*
- *Raise the standard of the estate.*
- *As residents of the estate they are fully aware of the situation of our damaged roads*
- *Maintaining roads*
- *Get roads repaired*

- *The essential repair and maintenance of the estate roads that are not the responsibility of the Thurrock Council. This is probably the only way the roads can be improved to keep the original character of the estate.*
- *Organise the repair and on going maintenance of the un-adopted roads on the frost estate as the main priority. This is the primary reason for the formation of a parish council as a legal entity enabled to carry out this function.*
- *Residents working together towards the good of the local area*
- *A forum for discussing any problems that arise on the estate*
- *It would give our specific community a voice and allow issues raised by the residents to be dealt quicker and more effectively. The residents could prohibit large vehicles onto the estate which cause ongoing damage to the roads and agree a mutually acceptable way to manage the maintenance and repair of the roads for all residents on the estate for the future.*
- *It would give our specific community a voice and allow issues raised by the residents to be dealt quicker and more effectively. The residents could prohibit large vehicles onto the estate which cause ongoing damage to the roads and agree a mutually acceptable way to manage the maintenance and repair of the roads for all residents on the estate for the future.*
- *maintain the roads, adopt them, create pathways and pavements.*
- *sense of safety and relief eg the maintenance of the road systems.*
- *spokes person*
- *We would like to see the roads repaired and then maintained in the future.*
- *Repair and maintenance of roads.*
- *help to keep the roads maintained*
- *Our roads need repairing and looking after all year round please.*
- *Repair and maintenance of roads*
- *Enhance the physical look of the estate. Create a cohesive community. Provide easy access for residents and emergency service. To give is a say in our area.*
- *We would like our roads repaired and then maintained for future years*
- *This is the best way to maintain the character of the Frost Estate, sharing the cost across the community.*
- *A communal approach to repairs and maintain the roads on the Frost Estate. The cost to be shared equally by all the residents.*
- *A greater opportunity to be represented in Council discussions as many things covered by our council tax are not provided for on our estate ie general maintenance of communal areas and roadways.*
- *Representation on issues as they affect us on the Frost estate ie maintenance of roadways and of policing parking and speed etc.*
- *prevent the further decreptation of the roads*
- *To repair roads, that are rapidly becoming no go areas. Reinstate footpaths.*
- *Better Road Sense of community*
- *To make road more motor friendly for emergency vehicles*
- *A voice for the frost estate*
- *make sure drains are cleared (all 4 at giffards/ central ave) make lorries ie travis perkins (no pallet) just straight on road damage near junction central/ monford (not sure how council allowed concretes /paving with no drainage.)*
- *Local residents having more involvement in running their services. Keeping the roads well maintained*

- *getting council workes to do our workes at out rates*
- *A measure of independence - election of councillors who care, and to uplift the feel of slow decay that is beginning to effect the whole estate. A whole and equal charge to each property allowing some lenience on people of low income, Pensioners!! To restrict vehicles of 7.5ton on the estate unless emergency vehicles, all 10 to 20 tons complete ban.*
- *I would like to see our roads repaired and then maintained for the future.*
- *More control of local needs*
- *Maintenance of roads Lighting Crime prevention*
- *usable roads and distinctive pathways. refurbish the park and maintain so the children on the estate have somewhere to play. road sign to control traffic.*
- *Hopefully get the Frost Estate roads sorted but, we are desperate for decent roads on the estate.*
- *to pebbley get the frost estate roads served but we are desperate for decent roads on the estate.*
- *maintain roads*
- *repair our road on the frost estate needs new foot paths*
- *get the area maintained especially the roads*
- *repaired frost estate roads, which are in a critical state.*
- *have control over estate*
- *Repair roads which are a danger to pedestrians, and damaging a lot of vehicles. Re-instate footpath. Have a weight restriction and speed limit.*
- *repair maintenance of the road*
- *none*
- *As residents of the Frost Estate they will be very aware of the problems*
- *the possibility of our roads being repaired and maintained to a high standard*
- *Many fold local people on site dealing with things at source*
- *possibility of roads being repaired and maintained to a high standard*
- *Allow us to have a say and representative for our area*
- *it would enable us to make a difference to the community via a representative. to make improvements to our environment*
- *Maintenance and repair of roads. Community spirit*
- *maintenance, repair of roads. Enhance community spirit*
- *Repair and maintain our road*
- *road maintained under constructed*
- *Provides community spirits. Protect characteristics of the estate. Control long term development*
- *road maintained when constructed*
- *attempt to maintain the condition of the road*
- *Our main concern is the roads*
- *Attempting to maintain the roads*
- *money would be raised fairly an work will be carried out specifically for our estate maintenance and repairs are unaffordable by individuals so as a parish council this can be done*
- *a sense of control of the road issues all frost estate residents face with the opportunity to improve it. a parish council will bring residents together to tackle issues that arise.*
- *Upkeep of roads which at the moment is non-existent*

- *Road Maintenance*
- *The roads on the estate need doing desperately and then up keeping but not changed any other way and i think that only the local people on the estate can do this. also I feel it will be done with thought to all the residents if it is overseen by neighbours etc..*
- *Roads to be repaired and maintained with all residents contributing to the cost*
- *Not prepared to answer any of the above until the proposal is concrete. None whatsoever. The making-up of the roads will not happen unless forced by TBC. Too many residents do not have the finances to pay*
- *Better roads, footpaths, drainage*
- *bring this community together*
- *This would reflect the objectives of the residents with regards the up keep of the estate*
- *Ability to repair and maintain public roads that are in a very poor state Local elected residents who use the area*
- *Keep Frost Estate characteristics and environment as surrounding area changes due to industrial development. Frost Estate IS a special place and should remain so. Organise events eg. firework parties, events for kids to improve community spirit and cohesion. Act with services providers for cabling, piping etc.*
- *Better Roads Better Lighting*
- *Better direct contact with people who are more in touch with area*
- *All residents contributing to the cost of repairing the roads and maintenance*
- *A coming together of all property owners in the community with a view to repair and maintain roads for the good of all*
- *Better road conditions and access for vehicles*
- *Better contact with people on the frost estate*
- *It would be able to raise funds and organise urgent repairs that are needed to the roads. General improvements to the estate. Give the estate a sense of community.*
- *residents will be heard - safer, better conditioned roads. Hopefully footpaths will be re-claimed*
- *road repairs road signs e.g weight restrictions and vehicle size*
- *Give us a voice for things that are important to our local area*
- *on a personal perspective being a resident of Lampits Hill Avenue, none*
- *None whatsoever.*
- *To give residents the power to run their own community*
- *A coming together of all property owners in the community with a view repair and maintain roads for the good of all*
- *Road repairs and safety measures put in place*
- *People will have a voice and our roads will be improved so less damage to our cars.*
- *To maintain our roads once full repairs have taken place and to ensure that the cost of this will be equally paid by all households on the estate. To ensure the estate keeps its unique character and to preserve this.*
- *That all households on the estate will contribute equally to the road repairs and ongoing maintenance that they require. To avoid through roads onto the estate.*
- *hopefully a parish council will clean up the frost estate and make it safe for the pedestrians and repair the road to accommodate heavy vehicles that need to*

use the road.

- *Hopefully a parish council will clean up the roads and footpaths of the frost estate and make it safer for pedestrians and suitable for dust vehicles, removal vehicles and delivery vehicles to come onto the estate.*
- *protection of the frost estate*
- *Protection of the frost estate*
- *To Help the Frost Estate*
- *repair roads*
- *as the frost estate is not like any other community in thurrock a more local authority would understand the individual peculiarities of the estate therefore being able to provide help to the residents*
- *None. I bought my property a year ago because of the area and how it is going to be very quiet with no racing cars going through.*
- *repair and maintain roads and foot paths*
- *maintenance to the roads*
- *The road maintained*
- *a voice against the council*
- *Obviously, the ability to concentrate only on frost estate issues rather than looking at, and balancing issues and costs over the whole Thurrock area as the present council have to consider*
- *Decision making and local governance*
- *Improved roads. Drainage and lighting on the roads. Improved safety by slowing speeding vehicles.*
- *Get things done*
- *restore the road to an acceptable level*
- *road maintenance security*
- *as residents of the frost estate themselves they will be aware of the unique problems especially the roads*
- *to help the frost estate*
- *would help to maintain this estate how originally intended*
- *an agreement to maintain the roads and to obtain the appropriate funding*
- *improvements to roads and their upkeep saving residents money in repair bills to vehicles*
- *that the roads would be maintained and refurbished less damage to privately owned vehicles by making roads safer for the elderly who do not have cars but who have to walk or use mobility scooters*
- *road repair and on going maintenance would be a major benefit , not only to private vehicles but personal safety*
- *Keeping our estate in character*
- *well hopefully someone to speak up for the estate*
- *It would help to make the frost estate a good place to live*
- *keep better control of the area we have the highest council tax in thurrock except bins*
- *Return the estate to the nice place to live that it used to be with safe roads*
- *a parish council will bring the estate back to its former glory*
- *i think a parish council would bring the estate back to its state, and would be a nicer place to live*

- *road needs repairs*
- *the roads on our estate are in a very bad and dangerous conditions. i would like to see them repaired to a very high standard and maintained in future years*
- *Arrange / coordinate road repairs*
- *get things done*
- *The residents have the say what happens on the estate.*
- *We would have better control of the estate*
- *Bring up roads to a satisfactory standard*
- *Repair roads*
- *Repairs Roads*
- *Bring community together. Further develop the identity of the Frost Estate.*
- *The main objective would be to sort the roads and drainage*
- *Better roads and maintenance crime prevention speed limits*
- *local people working on behalf of the area they live in*
- *I have no idea as have never come across one before. My only interest is to have roads that are decent so people like taxi drivers and delivery men will not refuse to travel on them and it is safe for pedestrians.*
- *That the people on the estate have their say.*
- *Control Of Our own estate*
- *Cohesive voice for the Frost Estate*
- *Safer roads to walk and drive on. Hopefully reclaim the footpaths people have taken and added to their frontage, some putting flower beds and small fences around which tops pedestrians being able to get off the road when cars are coming.*
- *In control of our own estate*
- *It is our estate we need to look after it*
- *We would have better control of the estate!*
- *develop community spirit further develop the unique identity of the Frost Estate*
- *better roads and maintenance. crime prevention. speed limits*
- *better facilities and roads would be maintained*
- *long term planning for area. Further develop unique identity of Frost Estate*
- *maintain a community spirit and keep environmental friendly*
- *Improve community spirit on the frost estate. Maintain the unique character of the Frost Estate.*
- *run by the community for the community*
- *To oversee road maintenance while keeping the estate's uniqueness without too many drastic changes. A lot if the residents have lived here for years, some all their lives, and all are very passionate regarding keeping it original.*
- *I would like to see the Frost Estate area and environment protected against speeding vehicles or cut through for vehicles. Also to oversee the maintenance of the roads.*
- *I would like the estate to stay just the way it is other than the roads and drains needs much attention this I think the parish council would benefit as an estate.*
- *Roads need to be repaired urgently and it seems fair everybody contributes to this.*
- *Local people, helping and looking after the community, knowing what is needed in the area, spending money on what's important to the community.*

What disadvantages do you think a parish council would bring for the community

- *None really it encourages local debate.*
- *It appears that the sole purpose of the proposed council is the repair and maintenance of the roads on the Frost estate, but I have no indication as to how much each resident will have to pay, or for how long. I accept that there will be a high initial cost in replacing the roads but maintenance cost will be considerably less. I have not seen a proposed programme of work but assume priority will be given to Central Avenue and Giffords Cross avenue on the basis that these roads are in the worst condition, and most of the proposed Parish Council live on these roads, but what guarantees will there be that these councillors will remain once their roads are refurbished?*
- *cost - effect on house prices, ability to sell house. - Not attractive to buyers to have to pay money. - if the roads are improved people will speed kids play on and near the road. - interference - inconvenience whilst the roads are "fixed"*
- *None*
- *Another layer of bureaucracy, more unneeded middle management costing the taxpayer yet more money*
- *It will depend on the councillors*
- *confuse the issue of maintaining the road, that should be its only purpose.*
- *I have lived at my address for 46 years. recently my road was made up paid for by the residents which I objected to and I will not be paying any additional cost as a taxpayer to any parish council. I pay my council tax and will not be paying any additional cost.*
- *As I am a widowed pensioner with only state pension I am concerned as to how much the parish council and road repair would affect me financially. I can only afford a small amount.*
- *Additional cost to residents*
- *additional cost to the householder bad value for money local council will stand back but still keep money from our taxes but do less than they already do*
- *Additional costs on a already tight household budget personnel agendas followed instead of good for the community passing over of responsibilities from the council once a out for them is avail poor value for cost benefit to householders*
- *It is simply another layer of political bureaucracy to be paid for by local taxpayers. I do not believe local lay people have the expertise to run an administration and I would resent having to pay further taxation for yet more government to waste money*
- *I do not/have not been given enough information in order to answer fully this question.*
- *I think that this Council does a very good job and I doubt that a parish council and the councillors would have the skills and knowledge to ensure that current services are delivered to the current high standards. It could also become divisive - a small number of people would have control over the estate (which is a very small area) and I could foresee a great number of problems occurring if this was to be formed.*

- *None, as long as it is democratic and represents the residents views.*
- *Financial stability and possibly a lack of professionalism for those elected*
- *cost*
- *Becoming accountable for more services than just the road repairs.*
- *Any additional cost maybe a disadvantage to some members of the community - or too much interference.*
- *Having to pay more taxes?*
- *Paying more tax*
- *Hopefully none.*
- *As long as residents are consulted and majority voting is used to make decisions, I cannot see that there would be a disadvantage*
- *Increased costs when we already pay full council tax with very little to show for it.*
- *Unwelcome charges to myself*
- *None - so long as the community is represented and main objective is always for the benefit of the estate*
- *Potential hidden agenda's (Personal preferences) going against a democratic vote*
- *Different peoples views on how much they should contribute to improvements proposed*
- *None that I am aware of*
- *Committee inertia and red tape.*
- *None except to provide the core aim of road maintenance shared equally by all households.*
- *Thurrock council may not support the parish council.*
- *Insufficient information to answer*
- *Not known*
- *unknown, focus on the poorly maintained roads and not every road, therefore the residents in the bad roads benefit but not all the residents will when there is a cost. cost ? to the residents?*
- *Don't know at this point*
- *Another level of government Higher Council Tax*
- *Would we be completely be set adrift by Thurrock Council*
- *Some streets have paid for repairs to their road it is likely they would have to contribute to the repair of other roads on the estate. It is unclear what additional council tax will be incurred.*
- *We do not need another level of government nor the bill pay for it when will grow as bills always do*
- *Cost to households Disagreements*
- *Additional costs/taxes*
- *Additional cost*
- *It would mean additional local taxes. The houses are already overpriced on the estate and hence attract higher council taxes for which we no longer get a subsidy (as in the days when i first moved here) to make up or no road maintenance, litter collection etc..*
- *1. Brings a further level of 'governance' to community which governs themselves*
- *2. Additional expense to 'parish' community*
- *Extra layer of government with additional costs. Controls need to be in place to stop takeover of parish council by others with their own commercial ideas.*

- *I have lived on the frost estate for 37 years and the setting up of a parish council is the first time I can see a way forward. So no I can't see any disadvantages.*
- *extra council charge*
- *the thought of a parish council is a non starter. It can bring nothing to a community other than interference that is not required or wanted.*
- *Additional council tax be given rules on what we can and cannot do*
- *I already pay £134 per month and do not get my roads maintained I don't think I should pay extra. Is my Council Tax any cheaper than people that have their roads maintained.*
- *I like the way the frost estate is that's why I purchased the house. I do not want the landscape littered with road signs.*
- *More expense to residents*
- *Additional costs/charges*
- *Distrust and heated arguments of those nominated*
- *Extra cost*
- *Extra cost to residents*
- *Unfair distribution of funds for the benefit of the whole estate.*
- *Complexity*
- *cost*
- *some residents may not agree with above*
- *i can only think of advantages*
- *i don't agree to additional council tax to cover cost to repair road. i already pay a high premium and do not receive an discount for not having all parts of tax paid for services. i am willing to pay a one off fair payment for repairs along with everyone else.*
- *Not cost effective*
- *no disadvantages*
- *none that i can see*
- *The only disadvantage would be the extra costs to each household for road maintenance.*
- *The cost to each household is an unknown to all. Many people are pensioners and not all worked at shell or mobile - to receive good pensions.*
- *No idea*
- *Can't think of any - as other avenues have been explored and discounted*
- *hopefully none*
- *No disadvantages*
- *extra layer of government*
- *i feel there be no disadvantages*
- *I don't foresee any disadvantages to a parish council within the community.*
- *I am not aware at this stage of any disadvantages. Should people in the future do not want to stand for election this may cause a problem and how many there will be?*

Do you have any other comments or observations you would like the Council to consider?

- *Everyone who moves onto the frost estate does so knowing what they are taking on. The roads are not good but that is part and parcel of the character of this estate. 6 weeks after moving on to the estate myself we were asked to contribute to the cost of repair to the road. Which we did and a large section of the road was renewed. Similar projects have been undertaken in other areas of the estate and the residents and none residents enjoy the benefits. When purchasing a property on this estate you do so on this understanding, I do not see the need to become a parish council involving more red tape and expense and feel that we already pay our council tax which covers all the facilities required i.e. rubbish collection, lighting etc. And I am not willing to be part of any parish control and pay any additional cost that it might involve.*
- *That Councillors make themselves more visible rather than just at the time of elections. At least the previous Councillor for this area, Phil Anderson, was seen out and about. The council chamber is obviously far too comfortable!*
- *Disagree that a parish council should be set up - the members only sourced a way to get the roads done. Disregarding the other 60% whom have no problem dealing with the roads.*
- *I think the Frost estate needs just one thing. The roads that were never taken over by the council need to be, and properly maintained especially York Avenue which is beyond dangerous for anything on two wheels, and causes damage to anything with four.*
- *Not really, our priority is to get the roads mended. quite happy to pay for it.*
- *I feel the mandate for the parish council should be very simple, and stipulate its main aim, to keep the roads maintained.*
- *As now a pensioner I could not cope with the extra (taxes)*
- *I do not get a council tax reduction for having no money spent on my local roads. Why? I strongly believe that a repair regime for severe pot holes only should be undertaken by the council at no cost to me. If this is not possible then I will be against any change.*
- *the roads are the issue why start a parish council just to fix the roads*
- *The parish council route has been chosen to raise cash for road improvements due to the fact no responsibility has been enforced on the rules/laws that already exist on road upkeep. This is the only true agenda and the rest is being considered to cater for the road solution only. The parish council route is even presented as the only route available to raise cash from residents to maintain roads this should not be the driver for starting a parish council. I am always hearing that services will be withdrawn from frost due to condition of the roads but i see nothing in writing no announcements in the papers but still the threats remain which is the reason for the parish council the rest is smoke. At no time has the council offered to help in understanding the existing rules for road maintenance on the frost estate. Until the true discussion starts on road maintenance and its consequences this issue will fail at the vote and again another pot of money wasted. Householders must take responsibility as per there house deeds dictate we just have to understand the rules and how they*

- are enforced. The rest is baggage.
- *In my opinion this is a single issue campaign brought about by the state of the roads on the estate, and that is not a good enough reason to make a complete change to local governance. I believe an arrangement for the current council to repair and upgrade the roads negotiating a reasonable surcharge to local residents is more realistic. Failing that a private contractor could be encouraged to take control of the roads with again a fair charge being shared amongst residents.*
 - *I feel there has been a distinct lack of communication and information concerning this subject. The only thing I will say is that we already pay Council Tax. I am not in favour of paying another one. People buy properties on this estate knowing they will have to repair their road.*
 - *I think the option that is detailed in the Cabinet report for the Council to take responsibility for roads is a good one. I would be prepared to contribute to this and I am sure that this would be the preferred option of most people to ensure that the current roads are brought up to a standard that are fit for purpose.*
 - *Street Name plates are in poor state, need replacing.*
 - *My main aim in requesting a parish council for the frost estate is to get the roads repaired (without sacrificing or adding to the current access points, speed limits and privacy we currently have) if this could be done as part of our current governance structure I would not be keen on a new parish council. Please take this into account when processing this questionnaire*
 - *Hopefully the council will make a decision on the above ASAP to enable the matter to progress to a satisfactory conclusion.*
 - *Hopefully a decision can be reached early regarding the formation of a Parish Council to enable the repair of the roads to go ahead as the roads are now deteriorating to a dangerous level.*
 - *Please sort the roads out*
 - *As a pensioner I could not cope with the extra (taxes)?*
 - *My understanding is the Parish council is being formed for the purpose of repairing the roads/drainage on the estate only*
 - *Will not contribute any monthly amount*
 - *If there is a monthly fee I will be against this proposal as I am a pensioner.*
 - *Residents don't need to pay out any more when you are living on a pension.*
 - *At a meeting regarding getting a parish council we were told that the residents were responsible for the road to the centre of the road. When I asked if it was ok for me to close my half off to repair I was told that I could not. Therefore I must assume the Council is responsible for repairs. But as the Council refuse to repair something must be done as lorries/refuse collectors are breaking the roads up.*
 - *I would like to receive a breakdown of what my current council tax payment includes. My property is a Band D and I would like to know if other Band D properties in the area that are not in a private street pay the same as me but get road maintenance included in their bill. If this is the case then our council tax payment should be reduced as we do not get road maintenance included in our street.*
 - *Why do I pay full council tax when my roads are not maintained by Thurrock Council. I believe that Thurrock Council should provide a discount on our council tax to provide funds to be used to maintain roads.*
 - *Should never allow that York Ave / Giffords Cross becomes a*

- thoroughfare/access for traffic not associated with the frost estate.*
- *Do not allow York Ave/ Giffords cross to become a route through for all traffic (unrelated to the frost estate). Regular meetings to share and discuss proposals / views - face to face. with such a variation of generations on the estate now - it needs to consider the very differing views of everyone*
 - *In the 1960s-70s a survey was carried out but rejected due to lack of support. However at that time the roads would have been re-laid with reinforced concrete and the charge to each property could either be paid by the current owner right away or set against the property when it changed hands, the cost as I remember it was £5 per foot run of the frontage with special consideration to those with a particularly side of long length. Obviously those with long side lengths of land were the main objectors. The road entrance to the town centre would not be opened for through traffic. There lets have the roads properly repair/renewed to a reinforce standard to the same layout as existing and so retain the 'unique' residential area for all residents.*
 - *Don't let the roads be used for all traffic as a cut through*
 - *Pedestrian access for the disabled on the Frost Estate*
 - *Spend the money on the frost estate, which you collect annually from rate payers!*
 - *A road sweeper to come down central avenue. We do pay for this service. In the eleven years I have lived here we have never had one.*
 - *The roads are getting dangerous and I would like to see them repaired/replaced to the same width etc as before to keep the character of the estate*
 - *The roads are our main concern. I've already badly damaged my car due to a pot hole. We would like the roads repaired but kept the same to keep the character of the estate*
 - *I would like all the roads to look and be like lampits hill avenue.*
 - *weight restriction not ahead one tree hill through lampits hill 1 and a half tonne limit?*
 - *Can the services the Frost Estate just be Provided by Thurrock Council? What method would be used to elect parish councillors? Will the decision to create a parish council be made by vote?*
 - *now dp world is up and running weight restricted roads and bridges in the area should be monitored and vehicles breaking the weight restrictions. seen several vehicles that appeared overweight on the r way bridge in southend road.*
 - *To give the estate guidance other than seeing this operation through.*
 - *yes hurry up*
 - *more policing on our estate.*
 - *more police on the frost estate we get lots of vandals*
 - *The council does its best to keep taxes down This will not be possible with a parish council as they will need money. I have lived on this estate for 80 years , Please leave it as it is.*
 - *need to provide walkways for the public*
 - *We do not want wider roads, pavements or like main roads. Damage to roads was caused by waste carts.*
 - *this would seem to be the only way the issue of the condition of the roads may be addressed*
 - *possibly the only way forward is to attempt to resolve the worsening condition of the road*

- *the problem of the roads is becoming more and more of a problem and things must be dealt with more urgently this is a lovely estate to live on apart from the roads*
- *i think it is great that members of the frost estate have come together to find a resolution to the poor road quality that has been a problem for many years and will continue to be without intervention*
- *This in an ongoing problem and I cannot see any other way of overcoming it, and the longer it goes on the worse the roads etc. are becoming.*
- *The Frost Estate has always been an unmaintained, tranquil area - this was and still is the very nature of its appeal to anyone wanting to live here. In my opinion, any changes would be detrimental to the ethos of the estate, where ALL householders made an 'eyes wide open' decision to purchase a property. If these residents did not like the roads they should not have opted to invest their hard earned money here, and then try and change it!!!*
- *I do not feel residents appreciate the COSTS involved in just running a P.C.*
- *There is in my opinion not to mention wrong on Frost Estate apart from roads, they need to be repaired and maintained with more lighting in place even if it means paying small monthly increase it would be better than what here now.*
- *Who manages the parish council? How often will the parish council have to beg for funds from the council? How will new council deliver new services? Whilst it is felt that repair works are required in certain areas of 'roads', consent is denied to Thurrock Council to adopt or undertake any road works whatsoever on our behalf, if the crown will not accept responsibility/liability for roads, and the men and women of the Frost Estate are responsible for the upkeep of the 'surface' of the roads then written consent must be obtained (individually) before TBC have any jurisdiction. What 'links' will 'NALCO' have with Thurrock Council and the parish council (conflicts of interest?) Always remember thurrock council are public servants who work to the demands of the public. The public have governance over TBC. Where is the consistency of services provided by Thurrock Council? Where road lighting, road signs, and refuse collection are provided, but road repairs are not. Vehicle Road tax and other taxes placed into the consolidated fund are then distributed by government to councils, part of which is for road repairs. None of the government subsidy has ever been spent on frost estate roads. Where is the duty of care from TBC by protecting the public from injury from roads that have fallen into disrepair. Where is the equality in the use of road repair funding from government, throughout TBC area when no funds have been allocated to frost estate roads since 1934 or TBC became a unitary authority.*
- *Poor conditions on roads causes damage to all road users, including Vehicles*
- *Thurrock Council has had 30+ years to come up with ideas to give residents what they want but has failed. Improve roads, keep same width as now, no pavements, cut traffic speed and lorry size, improve drainage and spread cost fairly across all properties and over many years. There are many pensioners living here who are not rich! We do NOT want the roads adopted and brought up to highways standard - NO increased widths, no through roads t the Homesteads or town centre.*
- *To Restrict the size & weights of delivery vehicles as they are responsible for cutting up verges on the estate and breaking up roads surface due to weight*
- *not at this time*

- *Stop dentist patients from parking outside on the corner of central avenue + lampits hill out onto the main lampits hill road to allow cars vans lorries to get out of central avenue*
- *Having lived in my bungalow for over forty years back when Lampits Hill Avenue was unmade. The Council step in and with a majority vote it was made up with cost to me of £2500 in 1982 then I paid a further £600 towards the flank road to pay a regular amount monthly us one step too far. Very sorry.*
- *We pay full rates on the frost estate. Obviously some of that goes to repairs and maintenance to roads, paths and verges. But people who live in adopted roads get a percentage of their rate spent on repairs where is our percentage spent?*
- *I understand there were 350 signatures on the petition signed by persons on electoral role. would it not be fairer if this was signed by only council tax payers.*
- *Under the heading of 'why are we doing this' it is quite obvious to me that the major reasons for forming a Parish Council is for the maintenance and upkeep of the roads on the Frost Estate. As a resident of Lampits Hill Avenue you will be aware that my road is already 'made up'. The cost of which was met by any house owner whose boundary bordered Lampits Hill Avenue. For me the cost was in excess of £2000. So you can appreciate that my paying for other roads on Frost Estate to be maintained is unrealistic. Our road is lit, we have trees and verges and drains. The verges are cut and the road swept by the council. So on a personal note i can see very little benefit a Parish Council could provide for me.*
- *The group of self styled committee that requested a parish council are all the people who attended the meeting chaired by Councillor Gupta. Some time ago, their agenda then, was to get the Council to repair the roads on the estate. They have now seized the chance to get others to repair their roads via a parish council route. The roads Arundel, Carlsbrooke, Pembroke, Montfort only serve the residents who live on them. Unlike the residents on my road, Chamberlain Avenue which is used by all other residents as a through route when going east top Basildon and the A13. To expect others on the estate to foot the bill for their neglect of the road outside their premises is fundamentally wrong, we all knew our responsibilities when we moved onto a private estate. I have no desire or will to fund those who wish to shirk those responsibilities.*
- *I am opposed to the commissioning of a parish council only raised to tax residence of the frost estate to repair the bad roads and for which I do not want to pay for as the Council have already taken over my road and I think they should take over every road on the frost estate.*
- *do not over develop keep back alley ways shops rubbish free*
- *do not over develop*
- *my own personal view is that residents are mainly interested in repair and maintenance of the road*
- *despite my numerous complaints to thurrock council planning department the continuations of allowing the council resident to extend their drive ways is beyond the problem boundary. also including the erection of a large metal post fence causing damage to both the commercial and private vehicles. many properties have placed scaffolding poles on the drive way of their properties and also over the boundaries of their properties these are dangerous should adults fall and children be falling over and hurting themselves whose duty of care takes the responsibility?*

- *Why should pensioners pay the extra when one they may not drive a car and 2 may not have the money to contribute as they are living on a pension. Also many people have paid thousands of pounds to have their driveways done to the road and any maintenance would disturb this.*
- *The frost estate is lovely as it is and does not need interference from a minority who think they know best and what other people want.*
- *to see the roads properly repaired and maintained as they were originally intended*
- *I moved to the frost estate because I like the unkept roads and no paths, this is what appealed to me when I moved here!*
- *People living on Lampits Hill Avenue have already paid a substantial amount for a made up road.*
- *speed ramps in roads to slow down speeding and 3 ton weights limit on the roads*
- *we have a very high council tax payment for very little in return this might get us some sort of action on our roads*
- *Although I am generally in favour of a Parish Council, I note that generally all the talk and ambitions of those who at present represent the estate, are about the condition and the upkeep of the roads, and it is no small coincidence that those shouting the loudest live where the roads are in the poorest state of repair. Will there still be as much enthusiasm for a Parish Council once the roads are made good / replaced? However, I would like to see the roads in good order with adequate signage including speed limits, weight limits and the introduction of speed humps and the new roads to resemble what we have at present rather than be made wider and brought up to adoptable standards. In my own, possibly selfish view, I would expect those properties fronting those roads that need repair/replacement to bear the cost of those improvements. I fear that those fronting the roads needing repair are looking for a way for the cost of the improvements to be borne by the whole estate and the introduction of a Parish Council is one way of implementing that aim. I live on the corner of Lampits Hill Avenue and Chamberlain Avenue and I paid my proportionate cost for the upgrading of L H Avenue to adoptable standards and recently clubbed together with my neighbours to have Chamberlain Avenue covered with tarmac. So you can appreciate I am rather loathed to contribute to the cost of road improvements to other areas of the estate. However, I would reiterate that I am in favour of the estate roads being widened with the inclusion of kerbs and paving and bringing them up to adoptable standards as this would completely destroy the character of our estate.*
- *As a predominantly bungalow estate (1930s) the council should consider classifying as a designated area / conservation area*
- *Yes we pay council taxes and road taxes. Thurrock Council should maintain our roads (basic repairs)*
- *i do not want the roads on the frost estate to be adopted by the council*
- *i would like the council to consider the elderly people that live on the frost estate who need to either walk using a walking stick or mobility scooter to access the town centre without fear of falling on uneven roads.*
- *when we moved on the estate in 1945 a fence separated the housing estate from the bungalows in giffords avenue we think to stop all of the overloaded lorries there should be bollards installed*

- we have been trying to give the roads repair for a long time and now we have been given the chance to do this.
- i do not want my council taxed increased i will happily contribute a small one off payment towards filling in some of the pot holes and repairing crossroads there should be some assistance from the council with road repairs (maybe supply labour and resources at cost.) without the need to increase council tax.
- as we pay council and car road taxes. Thurrock council should provide basic road repairs on our estate.
- Widening roads would encourage speeding like Branksome Avenue
- The parish council should have the overall say with any planning permission - too many bungalows are being turned into ugly houses!!
- I would like to see the roads repaired and maintained to the original condition and will be happy to pay for this in my council tax the bad condition of the road at this present time is my main concern.
- Repair the roads, but still keep our frontage and footpaths.
- Drainage on roads HGV Weight restrictions speed limits
- Not at present
- On only the major repairs, but a long term maintenance programme would be preferred.
- I would like to see the frost estate character maintained as original I do not want two lanes with paths
- Originally we had ditches to control drainage. Where are they? Council lorries damaged roads - compensation needed.
- I feel that the unique character of the Frost Estate needs to be maintained roads to be repaired and kept as they were in the 1920's
- Parish council should have overall say as to planning permission on the estate. Too many bungalows are being turned into ugly houses, looking nothing like original from the front!!
- Repair roads without moving to adoption standards
- council should contribute to the repair of the introduction of vehicles over the design capacity of the roads
- All residents should pay the same amount for this improvement (no exceptions). Maintaining the condition of the roads can only improve property values and allow safe vehicle and pedestrian access.
- Priorities: Road maintenance / no footpaths. All pay the same contribution. Regulate planning/developing to maintain the originality of the estate.
- We should all pay the same, Don't increase width of roads/no footpaths. The frost estate should be kept original and in keeping with other properties. Owners should not be allowed to erect big ugly dormers that are an invasion to neighbours an invasion to neighbours and totally out of character.
- Give the estate a parish council ie let the community survive and grow helping the whole area. With a parish council the area would improve, we need a parish council.

10 September 2014	ITEM:
Council	
The Frost Estate Community Governance Review	
Wards and communities affected: Corringham and Fobbing; Stanford East and Corringham Town	Key Decision: Not applicable
Report of: Graham Farrant, Chief Executive	
Accountable Head of Service: Fiona Taylor, Head of Legal & Democratic Services	
Accountable Director: Graham Farrant, Chief Executive	
This report is public	

Executive Summary

This report follows the one presented to the council on 23 July 2014, which explained that a petition had been received calling upon the council to undertake a Community Governance Review. The petition refers to the “Frost Estate”, a small private road estate, and requests that a specified area be designated as a parished area and that a parish council be established, to be known as the Frost Estate Neighbourhood Council.

This report sets out the steps involved in undertaking such a Community review and requests approval to both the proposed terms of reference and the timetable for it.

In addition, the report includes an explanation of the legal issues referred to in the previous report and seeks to explain the relevance and implications of these upon the request for a parish council to be established to undertake the functions specified in the petition.

1. Recommendation(s)

- 1.1 That the terms of reference for the Community Governance Review, including the proposed timetable for the review, be approved.**
- 1.2 That the Community Governance Review be progressed through the General Services Committee, with recommendations being brought back to the Council for a final decision to be made in respect of the creation of a parish council.**

2. Introduction and Background

- 2.1 On 23 July 2014, the council was informed that the Chief Executive had received a petition on 21 February to request that a Community Governance Review be undertaken (Minute No.23 refers).
- 2.2 The petition, signed by 383 residents of the Frost Estate, states the desired outcome would be the designation of the neighbourhood known as the Frost Estate as a parish council, to be called the Frost Estate Neighbourhood Council.
- 2.3 The area identified to be covered by the proposed parish council is shown on the plan attached at **Appendix 1** to this report and comprises the following roads:
- Arundel Drive;
 - Balmoral Avenue;
 - Central Avenue;
 - Carisbrooke Drive;
 - Chamberlain Avenue;
 - Giffords Cross Avenue;
 - Lampits Hill Avenue;
 - Montfort Avenue;
 - Pembroke Avenue;
 - Windsor Avenue; and
 - York Avenue.
- 2.4 The number of registered electors within the area is 767 and the number of signatories to the petition represents 49.93% of the electorate in the defined area.
- 2.5 The area shown on the plan cuts across the boundaries of the Corringham and Fobbing and the Stanford East and Corringham Town wards, whose total electorate, as at 1 September 2014, are:
- Corringham and Fobbing – 4,404 electors
 - Stanford East and Corringham Town – 6,474 electors
- 2.6 The breakdown of electors in the proposed parish between each of the aforementioned wards is:
- Corringham and Fobbing - 624 electors (in 313 properties over 10 streets)
 - Stanford East and Corringham Town - 143 electors (in 74 properties over 3 streets)

2.7 The petition contains information regarding the intentions of the proposed parish council, and this is reproduced below:

“It is expected that the formation of this parish council would bring benefits in that the residents of The Frost Estate will have greater influence and control over making the area a desirable place to live and making improvements whilst maintaining its original characteristics as well as ensuring that all households contribute equally to the cost.

In particular it is intended that the Community Council would:

- *Organise and oversee appropriate road and drainage refurbishment and on-going maintenance.*
- *Promote a traffic & pedestrian safety awareness scheme and introduce speed limits and hazard signs.*
- *Monitor HGV traffic with culpability for road damage incurred.*
- *Ensure all households contribute an agreed small monthly amount towards the cost.*
- *Pursue any avenues for obtaining grants or other forms of funding to benefit The Frost Estate*
- *Represent the views of estate residents to Thurrock Council and other bodies.*
- *Produce and manage a long term strategy plan for the estate”*

2.8 It should be noted that the wording of the above statement differs slightly to the wording that appears on each signed page of the petition, where the word “drainage” is omitted from the first bullet point, and, the intention to “*Produce and manage a long term strategy plan for the estate*” is omitted altogether. The wording used on each signed page of the petition to describe the “statement of expectations” of the petitioners has therefore been used.

2.9 It was noted in the report to the council on 23 July that a legal issue has been highlighted regarding the intentions of the proposed parish council and the implications of this are fully explained in paragraphs 3.22 to 3.42 of this report.

2.10 In accordance with the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”), the council is required to conduct a Community Governance Review following the receipt of a valid petition, which involves a review of the whole or part of the council’s area for the purpose of making recommendations with regard to creating parishes, the naming of parishes, and, the electoral arrangements.

2.11 As was reported to the council on 23 July, resources are not available within the Electoral Services team to conduct a Community Governance Review for the whole area due to other commitments at this time, namely the introduction of Individual Elector Registration (IER) and the preparation required for the forthcoming Parliamentary and local elections in May 2015. The review will therefore be restricted to the petition area.

2.12 Under the 2007 Act, it is for Thurrock Council to determine the terms of reference for the Community Governance Review, with these being set out in **Appendix 2** to the report.

3. Issues, Options and Analysis of Options

3.1 A Community Governance Review can consider a range of topics about the community governance of the area under review. These can include the following:

- creation, merging, altering or abolishing of parish areas;
- the naming of parishes;
- the electoral arrangements for parishes (creating a council; the number of councillors to be elected to the council; parish warding); and
- consequential matters such as the 'knock-on' effect on the principal council divisions or wards or the setting of the commencement dates for any new arrangements.

3.2 In this review we are concerned only with the request to establish a new parish council for the Frost Estate.

3.3 It is recommended that the review be progressed through the General Services Committee, which has the power to exercise the functions of the council in relation to elections, parish and town councils, vacancies and local bills.

The law, duties and guidance

3.4 Under section 93 of the 2007 Act, a "Principal Council" must comply with various duties when undertaking a community governance review, as set out below:

- (a) It must have regard to the need to secure that community governance within the area under review reflects the identities and interests of the community in that area, and is effective and convenient.
- (b) In deciding what recommendations to make, the council must take into account any other arrangements, apart from those relating to parishes and their institutions, that have already been made, or that could be made for the purposes of community representation or community engagement in respect of the area under review.
- (c) The council must take in to account any representations received in connection with the review.

3.5 Under Section 100 of the Act, the council must have regard to guidance issued by the Secretary of State. In March 2010 the Department for Communities and Local Government and the Local Government Boundary

Commission for England published guidance on community governance reviews.

- 3.6 The guidance refers to a desire to help people create cohesive and economically vibrant local communities and states that an important aspect of this is allowing local people a say in the way their neighbourhoods are managed. The guidance does stress that parish councils are an established and valued form of neighbourhood democracy and management in rural areas that increasingly have a role to play in urban areas and generally have an important role to play in the development of their communities.
- 3.7 The need for community cohesion is also stressed, along with the Government's aim for communities to be capable of fulfilling their own potential and overcoming their own difficulties. The value placed upon these councils is also highlighted in the fact that the guidance states that the Government expects to see the creation of parishes and that the abolition of parishes should not be undertaken unless clearly justified and with clear and sustained local support for such action.
- 3.8 The duties with regard to the council and the review are set out below:

If the parish has 1,000 or more local government electors	The review must recommend that the parish should have a council
If the parish has between 150 and 1000 electors	It is for the principal council to decide whether or not the parish should have a council.
The parish has 150 or fewer local government electors and does not currently have a council	The review must recommend that the parish should not have a council.

Consultation

- 3.9 Consultation will be undertaken in two stages with local government electors within the area identified in the petition, residents outside the area identified, businesses and local public and voluntary organisations. It is proposed that this will include:

Stage 1:

- Consultation meeting with Lead Petitioner
- Consultation with local government electors within the area identified in the petition

Stage 2 (following publication of draft proposals, in light of consultation with local government electors):

- Consultation meeting with Lead Petitioner
- Full consultation exercise by way of a paper and online questionnaire that will be open to the following:
 - local government electors within the area identified in the petition
 - residents outside the area identified
 - businesses
 - local public and voluntary organisations

3.10 It is estimated that the cost to the council to undertake stage 1 of the consultation will be in the region of:

Printing and preparing letters for distribution	£68.00
Survey development and publication on the portal	£816.00
Delivery of survey	£108.00
Public meeting and promotion (If needed)	£267.00
Total	£1259.00

Size of the proposed parish council

3.11 An issue to be borne in mind during the consultation period and prior to a decision on any recommendations from the General Services Committee concerns the size of the proposed parish council and the number of members it will have.

3.12 Section 16 (1) of the Local Government Act 1972 establishes five councillors as the minimum but does not make any link between the number of electors and the size of the council. The National Association of Local Councils (NALC), the body which represents parish councils, has indicated that it believes that seven should be minimum size and has suggested that the number of members be allocated depending upon the size of population being represented.

3.13 The guidance on Community Governance Reviews states the following in respect of size of councils:

“In practice, there is a wide variation of council size between parish councils. That variation appears to be influenced by population. Research by the Aston Business School Parish and Town Councils in England (HMSO, 1992), found that the typical parish council representing less than 500 people had between

five and eight councillors; those between 501 and 2,500 had six to 12 councillors; and those between 2,501 and 10,000 had nine to 16 councillors. Most parish councils with a population of between 10,001 and 20,000 had between 13 and 27 councillors, while almost all councils representing a population of over 20,000 had between 13 and 31 councillors.

The LGBCE has no reason to believe that this pattern of council size to population has altered significantly since the research was conducted. Although not an exact match, it broadly reflects the council size range set out in the National Association of Local Councils Circular 1126; the Circular suggested that the minimum number of councillors for any parish should be seven and the maximum 25.

In considering the issue of council size, the LGBCE is of the view 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, it 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. 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."

- 3.14 In the case of the proposed Frost Estate Neighbourhood Council, the number of members of any parish council would lead to the following ratio of councillors to the electorate:

Number of Parish Councillors	Electorate	Councillor : elector ratio
5	767	1 : 153
6	767	1 : 128
7	767	1 : 110
8	767	1 : 96
9	767	1 : 85
10	767	1 : 77

The role and responsibilities of a parish council

- 3.15 Parish councils have been given a wide range of powers under different acts of Parliament and most of these powers are discretionary, which means that a parish council *may* do something, rather than *must* do something.

3.16 A parish council created as a result of a review would need to consider which of the above services it would like to be involved in delivering.

3.17 Details of the powers available to parish councils are set out in the table below:

Service or Facility	What can a town or parish council do?
Allotments	Provide allotments
Burial grounds, cemeteries and crematoria	<ul style="list-style-type: none"> • Acquire, maintain and provide burial grounds, cemeteries and crematoria. • Maintain monuments and memorials and contribute towards the expenses of cemeteries.
Bylaws	<p>Make bylaws for:</p> <ul style="list-style-type: none"> • pleasure grounds; • cycle parks; • baths and washhouses; • open spaces; • burial grounds; • mortuaries and post-mortem rooms.
Commons and common pastures	Enclose, regulate and manage commons and provide common pasture
Community Centres	Provide and equip buildings for use by athletic, social or educational clubs
Crime Prevention	Spend money on various crime prevention measures
Entertainment and the arts	Provide entertainment and support for the arts
Highways	<ul style="list-style-type: none"> • Repair and maintain public footpaths and bridleways. • Light roads and public places. • Plant trees and maintain roadside verges. • Provide: <ul style="list-style-type: none"> • litter bins,

Service or Facility	What can a town or parish council do?
	<ul style="list-style-type: none"> • parking places for vehicles, bicycles and motor-cycles, • roadside seats and shelters, • bus shelters, • traffic signs and other notices.
Litter	Provide litter bins
Mortuaries and post mortem rooms	Provide mortuaries and post mortem rooms
Open Spaces	Acquire and maintain land used for open spaces
Public conveniences	Provide public conveniences
Recreation	<ul style="list-style-type: none"> • Acquire land for and provide recreation grounds, public walks, pleasure grounds and manage and control them. • Provide gymnasiums, playing fields, holiday camps and boating pools.
Town and country planning	Be notified of planning applications and submit comments on them to the local planning authority
Tourism	Contribute to organisations encouraging tourism
Traffic calming	Contribute financially to traffic calming schemes
Transport	Spend money on community transport schemes
War memorials	Maintain, repair, protect and adapt war memorials

Electoral arrangements for a new parish council

3.18 An important part of the review will give consideration to the way in which a council is constituted for the parish and will cover the following aspects:

- The ordinary year in which elections are held;
- The number of councillors to be elected to the council;

- The division (or not) of the parish into wards for the purpose of electing councillors;
- The number and boundaries of any such wards;
- The number of councillors to be elected for any such ward;
- The name of any such ward.

- 3.19 The Local Government Act 1972 states that ordinary election of parish councils shall take place in 1976, 1979 and every fourth year thereafter (i.e. 2011, 2015, 2019 etc). However, the government has indicated that it would want the parish electoral cycle to coincide with the cycle for the district council, so that the costs of elections can be shared.
- 3.20 If the outcome of the review determines that it is appropriate to create a new parish council and posts for parish councillors, the intention is for these to come in to effect at the earliest opportunity, with the next ordinary day of election being on Thursday 7 May 2015.
- 3.21 Elections to the parish council will be administered by Thurrock Council and legislation permits the council to recover from a parish council the cost of holding that parish council's elections. This applies even to the preliminary stages whether or not the election proceeds to a ballot. For accounting purposes, where a parish council election takes place at the same time as the election to another authority, the legislation requires the costs to be attributed 50-50 between the two authorities.

Legal issues identified with the request to establish a new parish council

- 3.22 Officers have been progressing the essential detailed preparatory work, such as, assembling data on precepts, electorate ratios, projected electoral developments, maps, relevant assets, drawing up terms of reference, identifying consultees, clearing potential legal issues as part of a due diligence duty and to facilitate the progression to the next stage of the review with a level of assurance that the council has the appropriate and relevant information for all the stakeholders.
- 3.23 In this context the council has been kindly copied a legal advice received from the National Association of Local Councils (NALC) to the local County Association which confirms:
- “that the central to the community group’s motives for setting up a new parish council is the possibility that a new parish council could maintain and repair private roads in the area”*
- 3.24 This stated aim is of course echoed in the express wording of the petition received by the council.
- 3.25 As part of its due diligence duty to all stakeholders the council has already been examining this innovative idea to use a new parish council as a possible

vehicle to achieve road maintenance of either private or highway adopted roads.

- 3.26 The NALC legal advice in the main addresses itself only to the issue of a parish council using its powers to maintain and repair private roads remaining as private roads although it mentions in passing the further option Highways Authority adoption. Such highway adoption or otherwise is considered, in this parish council context, in more detail by the council below.

NALC Advice

- 3.27 Reproduced below is a précis of the legal advice received from the National Association of Local Councils, which is independent of the council and perhaps provides a useful background to some of the legal issues.
- *“I am instructed that the central to the community group’s motives for setting up a new parish council is the possibility that a new parish council could maintain and repair private roads in the area, subject to there being no legal barriers. I think there are legal barriers.*
 - *You sent me a section of a copy of a conveyance and some plans. Although these may be useful documents, I cannot make use of them unless I see them in full.*
 - *I also do not know if the owners of the properties of any homes which benefit from access over the private roads (i) have a legal obligation to contribute to the cost of their repair or (ii) are entitled in law to enforce an obligation on the owner of the roads to keep the roads in repair*
 - *I have assumed the existence of both (i) and (ii) as these are common arrangements in housing developments.*
 - *I understand the roads serve several houses. The roads were formerly in the ownership of a company known as Eastcourt Properties Limited. The company was dissolved in 1997.*
 - *On dissolution of the company all property and rights vested in the company, immediately before dissolution are deemed to be bona vacantia (ownerless goods) and vest in the Crown. It is only the assets of a company that pass to the Crown when it is dissolved. Its liabilities are extinguished and the Treasury Solicitor’s guidance confirms that the Crown accepts no liability for the property under the company’s title or otherwise.*
 - *The Crown is not obliged to deal with property vested in it as bona vacantia in any particular way. It has power to disclaim it and, in respect of onerous property, will usually do so.*

- *I can see that in January 2011 that solicitors acting for the Crown Estate gave the following information.*
 - (i) the private roads had been disclaimed by the Crown Estate;*
 - (ii) the Crown Estate will not undertake any activity such as the carrying out of repairs on the roads, which could be interpreted or deemed to constitute acts of ownership, possession or management;*
 - (iii) the roads are subject to escheat, which in practical terms means that the Crown Estate may sell the land to a party with a legitimate interest in the future of the roads such as a management company comprising of the residents who benefit from the private roads or a local authority and*
 - (iv) The Crown Estate was willing to transfer the roads for a minimum of £2000 plus a contribution to the legal fees incurred by the Crown Estate in the legal transfer.*
- *I have no instructions on the current position but I assume that that the Crown Estate has not sold the freehold interest in the private roads. I have assumed that even if the owners of homes who use the private roads have an obligation to contribute to the cost of their upkeep or are entitled to enforce an obligation on the existing owner of the roads to carry out repairs, no one is presently responsible for the repair of the roads. Unless ownership of the roads is transferred to the highway authority or a new management company comprising of the residents who are required to contribute to the repair of the roads, I cannot identify anyone else who would want to take ownership of the private roads and assume responsibility for their maintenance or repair.*
- *It is possible for the private roads to be adopted as highways maintainable at public expense, subject to agreement with the highway authority (s.38 (3) (a) Highways Act 1980.). The owner of the roads must have the legal power to dedicate the roads as highway and be willing dedicate them. However under such agreement for the roads to be maintainable at public expense, the highway authority may include terms which concern bringing the roads up to standard before adoption and / or payment to the highway authority for expenditure incurred by the highway authority in bringing the roads up to standard. I believe the standard of repair of the roads will be an issue for the highway authority because presumably there has been no maintenance or repairs since Eastcourt Properties Limited dissolved in 1997.*
- *If the private roads are not owned by any new parish council, it will not have the power to maintain them or keep them in repair or make contributions to the same unless it is eligible to exercise the power of general competence (ss.1 – 8 Localism Act 2011). Any such power will be subject to any extant legal obligations of certain homeowners to contribute*

to any expenditure for repairing the roads and the legal rights of any future owner of the private roads.

- I am concerned if the community group wants to set up a new parish council for the sole reason that the council could take on responsibility for the repair of private roads, which in any event is subject to ownership of the roads being transferred to the new council and the extant legal obligations of certain homeowners to contribute to expenditure for repairing the roads. A parish council is expected to undertake a range of services for residents and area that it represents. There is risk that responsibility for the repair of the private roads could dominate the budget and activities of a new parish council when arguably such activity benefits only those with (i) a legal obligation to contribute to the cost of the repair of the roads (ii) those that use it.*
- It is my view that it is preferable for the repairs of the private roads to be undertaken by a management company that owns the roads (comprising of members who have legal obligations to contribute to such expenditure) or by the highway authority under the terms of an agreement made under s. 38(3) (a) of the 1980 Act .*

The Council's Legal Analysis

- 3.28 As indicated the council is appreciative of having been copied into this legal advice from NALC which provides useful background information and examines some of the strands of the possible legal issues arising from a new parish council seeking to maintain and repair private roads.
- 3.29 The NALC advice largely echoes the initial due diligence exercise carried out by the council as to the risks and options, however, the council has examined the further option of highway adoption and delegation to the new parish council in more detail.
- 3.30 The council agrees that this is certainly an innovative idea. Simply from the existence of this proposal, it is clear that there is a level of concern that the private streets are un-made, have deficient drains and street lighting, and that whilst some of the residents may want the private roads made up and adopted, and are prepared to pay for this, other residents may not be prepared to contribute voluntarily.
- 3.31 In such a situation the council has the powers under Part XI of the Highways Act 1980 to produce a schedule of costs for the works and to require all frontagers to contribute to making up to adoption standard, as well as some element of maintenance dowry, which is normally the case on Section 38 adoptions.
- 3.32 The council has confirmed that the General Power of Competence would not cover this proposal, because it is dealing with the unique statutory powers of the highways authority to do things which no private individual can do, namely

to require street frontagers to pay for improvements to the highways to adoption standard, normally plus a maintenance dowry, and then to take over statutory responsibility for the future maintenance of the highway. The General Power of Competence only allows a local authority to do that which a private individual generally can do.

- 3.33 However, as indicated the council has powers under Part XI of the Highways Act 1980 to apply the Advance Payments Code, improve the streets to adoption standard, and to adopt and maintain them, and the council could arrange under Section 101 of the Local Government Act 1972 for the discharge of that function by a parish council, and could agree with the parish council that the parish council meets all of the cost of this work, which the parish council could, at least theoretically, fund out of its general power under Section 137 Local Government Act 1972 to do anything which in their opinion is in the interests of and will bring direct benefit to their area or any part of it or all or some of the inhabitants.
- 3.34 It is unlikely that a new parish council would have the necessary skill base or experience to undertake the complex processes required by Part XI of the Highways Act 1980. From Thurrock Council's point of view it would be much better for the council to agree to do this ourselves, perhaps as private street works authority agreeing to meet all or part of the costs under Section 236 of the Highways Act 1980, but on the basis of the new parish council agreeing to pay the Thurrock Council for the costs of doing so, under Section 137(2), Local Government Act 1972. That way, Thurrock Council would remain in control, bring its experience to bear and might be able to avoid some of the risks, such as the new parish council not addressing the concerns of a group of objectors sufficiently.
- 3.35 The second and more serious concern (which also echoes the concerns in the NALC advice) would be that the effect of this proposal would be to circumvent the statutory basis of charging for private street works as set out in Section 207 of the Highways Act 1980. So that, instead of apportioning these costs according to length of frontage these costs would fall to all domestic properties within the new parish, according to council tax band. This means that the apportionment is based on seriously out-of-date values, and higher value properties all pay the same, irrespective of size.
- 3.36 If the Council simply agreed to do this under the Private Street Works Code in Part XI of the Highways Act 1980, without parish council subsidy, then any objections to the provisional specification, estimate of costs and provisional apportionment of costs is heard by the Magistrates Court, so the costs are relatively low, and the council is merely saying that this is what they propose and why, and the Magistrates can really only redistribute those costs among the frontagers.
- 3.37 However, if the new parish council decided to meet a substantial part of or the whole cost of the process through the precept charged on all domestic dwellings, the council would have to be concerned that there was a risk of a

judicial review of the decision of the parish council, on the basis that it was unreasonable to circumvent the statutory apportionment process to the frontagers.

- 3.38 Such a judicial review would be heard in the High Court, and the new parish council would be most unlikely to have the resources to contest such a challenge. So, in practical terms, it seems that it would be better for the council to agree to undertake the whole process in accordance with Part XI of the Highways Act 1980, and the new parish council, if it comes into existence, to maybe underwrite the irrecoverable staff costs of the process, but allow the works costs to fall on the frontagers. There is an additional possibility of appeal to the Secretary of State under Section 233, but that is the same either way.
- 3.39 It is entirely up to the council whether it wishes to do any of this. If the council said that even if a new parish council was formed, they would not delegate any private streets functions to it, and would not agree to do private street works even if funded by the parish council, that is an end to it. There would therefore be very little point in trying to form a new parish council, the only apparent purpose of which is to resolve this private street works issue.

Summary

- 3.40 It has been seen from the legal advice from NALC that:

"I think there are legal barriers... I am concerned if the community group wants to set up a new parish council for the sole reason that the council could take on responsibility for the repair of private roads, which in any event is subject to ownership of the roads being transferred to the new council and the extant legal obligations of certain homeowners to contribute to expenditure for repairing the roads. A parish council is expected to undertake a range of services for residents and area that it represents. There is risk that responsibility for the repair of the private roads could dominate the budget and activities of a new parish council when arguably such activity benefits only those with (i) a legal obligation to contribute to the cost of the repair of the roads (ii) those that use it.

It is my view that it is preferable for the repairs of the private roads to be undertaken by a management company that owns the roads (comprising of members who have legal obligations to contribute to such expenditure) or by the highway authority under the terms of an agreement made under s. 38(3) (a) of the 1980 Act "

- 3.41 It is the council's concern that should Part XI adoption powers be exercised, with the new parish council deciding to meet a substantial part of or the whole cost of the process this would in effect be a circumvention of the statutory basis of charging for private street works as set out in Section 207 of the Highways Act 1980.

3.42 So that, instead of apportioning these costs according to length of the frontages these costs would fall to all domestic properties within the new parish, according to council tax band. This means that the apportionment is based on seriously out-of-date values, and higher value properties all pay the same, irrespective of size and may be subject to an expensive High Court challenge.

4. Reasons for Recommendation

4.1 The council is required to undertake a Community Governance Review following receipt of a valid petition. It is recommended that the review be progressed through the General Services Committee, who have within their terms of reference, the power to exercise the functions of the council in relation to elections, parish and town councils, vacancies and local bills.

4.2 The decision in respect of the creation of a parish council is reserved to the council, who will be asked to consider the recommendations of the General Services Committee.

5. Consultation (including Overview and Scrutiny, if applicable)

5.1 The Lead Petitioner has been consulted in respect of the recommendations in this report.

5.2 Consultation will be an integral part of a Community Governance Review. The report identifies the types of consultation that will be undertaken at each stage of the Review.

6. Impact on corporate policies, priorities, performance and community impact

6.1 The maintenance of good governance is essential to the council in discharging its functions in a timely, open and transparent manner for the benefit of the residents of the borough. The request to create a new parish council should be undertaken in line with the requirements of relevant legislation and the principles of good governance.

7. Implications

7.1 Financial

Implications verified by: **Sean Clark**
Head of Corporate Finance

The costs identified in paragraph 3.10 have not been specifically budgeted for, although they can be found from within existing budgets.

Further costs are likely to be incurred as the Review progresses and these also will not have been specifically budgeted for. Any additional costs will be

identified and reported to the General Services Committee and the council as may be appropriate.

7.2 **Legal**

Implications verified by: **David Lawson**
Deputy Head of Legal & Democratic Services

The legal implications are set out and explained within the body of the report.

7.3 **Diversity and Equality**

Implications verified by: **Rebecca Price**
Community Development Officer

There are no diversity and equality implications to report at this stage.

7.4 **Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None.

8. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- Local Government and Public Involvement in Health Act 2007 (available online at <http://www.legislation.gov.uk/ukpga/2007/28/contents>)

9. **Appendices to the report**

- Appendix 1 - area to be covered by the proposed parish council.
- Appendix 2 – proposed terms of reference and timetable for the review.

Report Author:

Steve Jones
Democratic Services Manager
Legal & Democratic Services



Sch

Corringham

Proposed Boundary for Frost Estate Neighbourhood Council area (ref Ordnance Survey).

Proposed terms of reference for the Review

Background:

In February 2014, the Council received a petition bearing 383 signatures, requesting that the Council undertake a Community Governance Review with a view to establishing a Parish Council for the Frost Estate, with this to be called the "Frost Estate Neighbourhood Council".

The wording on each page of the petition was:

"We the undersigned, each being a local government elector for the area defined below, call upon Thurrock Council to conduct a Community Governance Review with the purpose of forming the Frost Estate Neighbourhood Council. We recommend that the council designates the neighbourhood of the Frost Estate, part of the ward(s) of Corringham & Fobbing and Stanford East & Corringham Town, and comprising Arundel Drive, Balmoral Avenue, Central Avenue, Carisbrooke Drive, Chamberlain Avenue, Giffords Cross Avenue, Lampits Hill Avenue, Montfort Avenue, Pembroke Avenue, Windsor Avenue and York Avenue, a parished area and that a parish council is established for this defined area (see map enclosed).

Statement of Expectations

It is expected that the formation of this parish council will bring benefits in that the residents of The Frost Estate will have greater influence and control over making the area a desirable place to live and making improvements whilst maintaining its original characteristics and ensuring that all households contribute equally to the cost. In particular it is intended to:

- *Organise and oversee appropriate road refurbishment and on-going maintenance.*
- *Promote a traffic & pedestrian safety awareness scheme and introduce speed limits and hazard signs.*
- *Monitor HGV traffic with culpability for road damage incurred.*
- *Ensure all households contribute an agreed small monthly amount towards the cost.*
- *Represent the views of estate residents to Thurrock Council and other bodies."*

The area is shown on the attached plan.

In accordance with the Local Government and Public Involvement in Health Act 2007 the Council is now required to conduct a Community Governance review for this area. The scope of the review and timetable are detailed below.

The Council will undertake the review in line with Part 4 of the Local Government and Public Involvement in Health Act 2007. The review will comply with the

legislative requirements of the Act, have regard for the associated statutory guidance and will be conducted in accordance with these terms of reference.

Scope of the Review:

In response to the Petition, the review will consider whether the existing Governance arrangements in place for the Frost Estate:

- Reflect the identities and interests of the communities in that area; and
- Are effective and convenient to local people.

When carrying out the community governance review the Council must also take into account other existing or potential community governance arrangements (such as local residents' associations, neighbourhood forums or other forums) in determining what parish arrangements to recommend.

The review will also take account of the statement of expectations included in the petition, together with the legal advice that has been received in respect of this.

The review will be conducted in two stages, to ensure as many residents and other bodies as possible have an opportunity to contribute to the process.

Stage One:

As this review is in response to the specific request for the establishment of a parish council, the first stage of the review will consist of consultation with local government electors in the area identified by the petition. Residents will receive information from the Council setting out the implications for establishing a new parish area. The results of the consultation exercise and draft proposals will then be considered by the General Services Committee.

Stage Two:

At this stage of the review, the draft proposals will be consulted on, and residents and other bodies will have an opportunity to comment before any decision is made. During this stage, residents from outside of the area will also have the opportunity to comment generally through a general consultation exercise that will be available online via the Council's website.

Following the consultation exercise, the results of the consultation and recommendations will be considered by the Full Council before making a decision about the creation of a new parish council.

Proposed timetable for the Review

The proposed timetable for the Review is set out below:

Stage	Description	Date(s)
1.	Council Meeting	10 September 2014
	Consultation meeting with Petitioners	
	Consultation with Local Government Electors	
	Deadline for consultation	
	Result of consultation compiled	
2.	General Services Committee	December 2014
	Publication of draft proposals, in light of consultation with local government electors	
	Consultation meeting with Petitioners	
	Consultation exercise	
	End of consultation	
3.	Council Meeting to agree final proposals	25 March 2015
	If the proposal is to create a Parish the following stages will need to take place	
	Prepare Order for Creation of Parish Council	26-31 March 2015
	Creation of Parish Council	1 April 2015
	Election to Parish Council	7 May 2015

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Frost Estate Community Governance Review
Thurrock Council

Advice Note

6 March 2015

Advice requested

We have been asked to advise Thurrock Council in relation to the Community Governance Review with regard to the Frost Estate. In particular, we have been asked to look at the practical and legal issues relating to the timetable for the approval and setting up of the Parish Council, bearing in mind the imminent Council meeting and elections.

Background/context

- 1 On 10 September 2014 Thurrock Council agreed to carry out a Community Governance Review. This was in response to a petition signed by residents of the Frost Estate who wished to have a Parish Council established. The matter was delegated from the Council to the General Services Committee under the delegations in the Council's constitution, whereby the General Services Committee is authorised to carry out the functions of the Council in relation to Parishes.
- 2 The review was duly carried out and on 10 December 2014 the General Services Committee agreed to recommend to full Council that a Parish Council be established.
- 3 The matter is due to be considered at the next meeting of Thurrock Council on March 25th 2015.

Advice

- 4 The Council is considering whether or not it is possible to approve the Community Governance Order and the setting up of the Parish at its meeting on 25 March, and so that the first elections to the Parish can be held at the same time as the local and general elections on 7 May.
- 5 There are a number of issues which the Council would need to consider. First of all, the process for setting up a new Parish Council requires the Council to undertake the review and ultimately, should it decide to agree to the formation of the new Parish Council to publish a reorganisation of Community Governance Order. Under the Local Government and Public Involvement and Health Act 2007, the act which provides for principle Councils to be able to establish Parish Councils, there is a two stage process. The Council must first of all, consider the recommendations of the review, and must consider at that stage whether to proceed to a second stage consultation on the draft recommendations made by the review. Following that, the matter goes to the full Council for decision, following which a reorganised of Committee Governance Order can be made. The guidance published by the Government about Committee Governance Reviews states that "after taking a decision on the extent to which the Council will give effect to the recommendations made in a Committee Governance Review, the Council must publish its decision and its reasons for taking that decision". The Council must also draw up the Order, and provide information about the outcome of the review to the bodies it must notify following the Reorganisation Order it makes to implement the review, particularly so that interested people are made aware not only of the outcome of the decisions but also the reasons behind the decisions.
- 6 The Council must then deposit copies of the Reorganisation Order at its main office, together with a map showing the affect of the Order and the 2007 Act also requires a Council to make available a document which sets out the reasons for the decisions it has taken and publicise these reasons. All of this inevitably takes time and the shortness of the dates between 25 March and 7 May does, in our view, significantly impact upon an effective election.
- 7 There are also some very practical reasons which mean that in our view, it is very difficult for the Council to go ahead with the proposed elections to the new Parish Council in May. The first and most important of these is that the Parish Council will not have a budget. This is because it is not possible for a precept to be set for only part of a financial year. The situation which generally pertains when the Council is considering setting up a Parish Council is for the existing principle Council to allow for an estimate precept in its own budget setting process. However, when the decision as to whether or not the Parish Council will be established has yet to be taken, as in this

case, it is not possible for the principle Council (Thurrock in this case) to consider including a precept as part of its own process. Accordingly, if the Parish Council was to be established and elections held to it, it will have no budget and so be unable to do anything, including, as it must, to appoint and pay a Clerk. To our mind this by itself is a fundamental problem.

There are also some very practical difficulties relating to holding an election for members of the new Parish Council so soon after the Council resolves to agree to the recommendations. First of all, the Council cannot be sure that a challenge by way of judicial review to the formation of the new parish can be ruled out. There are also some practical difficulties. For example, to give effect to the new parish you will need a new polling districts order, and your council meeting on 25th March is after the register for local government nominations has been produced.

Conclusion

It is very difficult, if not impossible, for elections to the new Parish Council to be held on 7th May 2015.

An alternative is for the Parish Council to be set up in shadow form and for Thurrock Council to make a grant to the shadow parish which enables it to be set up from October 2015. The shadow parish could then make an assessment towards its budget for the first financial year, decide (although this would not be binding) upon actions of the parish council, and elections could be held without any difficulty in May 2016.

This is the solution we would recommend.

Bevan Brittan LLP
March 2015

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**Notes of the meeting of the Frost Estate Public Meeting held on 15 June 2015
at 7.00pm**

Present: James Whale (Chair)
David Bull – Interim Chief Executive
David Lawson – Deputy Head of Legal Services
Ann Osola – Head of Highways
Elaine Sheridan – Elections Manager
Sean Clark- Head of Corporate Finance
Joy Darby – Essex Association of Local Councils
Cllr John Gili-Ross – Essex Association of Local Councils
Mr Alan Rayner - FERA

The Interim Chief Executive, David Bull, introduced the meeting stating that over 130 questions had been submitted to the Council in advance of the meeting. These questions had been grouped and would be answered through the presentations. He felt that the politicians at the Council had not made up their minds about whether to agree to progress with a Frost Estate Parish Council or not and this meeting would be important in helping them make that decision at their Council meeting on 22nd July 2015.

Officers present were introduced and it was stressed that all attendees should be tolerant and listen to each other respectfully. The presentations would focus on the challenging areas of debate and it was important for the council to act in a balanced way to listen and act upon all points of view. Mr Bull highlighted that it was also important for the community to remain united regardless of the outcomes.

Mr Bull continued with outlining the key findings of the two consultations that had formed the community governance review. In the first stage consultation, 83.75% of people who responded wished for a parish council. In the second stage people wishing for a parish council was returned at 70%. These figures were only based on those who had returned their consultation results. Following this a report went to Council in March 2015 where councillors agreed to defer the decision until a public meeting had been held. This was agreed on the basis that public questions had been submitted which demonstrated a proportion of residents were against the formation of a parish council and that the full implications of a parish council was not understood equally by all residents.

Mr Rayner from FERA was invited to address the meeting and he explained that a public meeting had been held in 2012 where it was agreed by those present to form a community committee, now known as FERA. FERA undertook a survey face to face with residents and through the post and this returned the views that the residents wanted to keep the character of the Frost Estate but also wanted the roads repaired. The survey suggested that people felt £100 a year was an acceptable price to pay to keep the roads maintained.

FERA explored 5 options in relation to repairing the roads:

- 1- Residents to repair the roads themselves (this was deemed inadequate as residents could potentially do a poor job)
- 2- Employ contractors to repair the roads (this option had been tried before and not every resident paid which was deemed unfair)
- 3- Form a Management Company (this had been tried before and failed)
- 4- Enter an agreement with Thurrock Council (it was felt this option would lose the estate its individual character).
- 5- Form a Parish Council

FERA felt, after much research, the formation of Parish Council would be the fairest way to obtain money from all residents for the improvement of the roads whilst maintaining the Estate's character. The roads would be repaired under a General Power of Competence, which allowed the Parish Council the powers to undertake repairs. These findings were communicated via a newsletter in October 2013 and a petition was created with 383 signatures, which then created the community governance review that the Thurrock Council was now undertaking.

Mr Rayner explained that a Parish Council would eliminate the issue of payments for repairs being based on frontages and used a number of examples of how using a frontage based system was unfair as those with longer frontages but no cars would possibly pay more than those with less frontage but with a number of cars. This could also solve the issue of crossroads, which were used by all.

Mr Rayner felt the repairs already in place at Chamberlain and Windsor Avenues were temporary and the potential Parish repairs would benefit them in future. He agreed Lampits Hill Avenue was an exception but felt they could receive other road improvements on top of their existing road from a Parish precept.

FERA believed a precept of £100 per year would create £32,700 outside the set-up and running costs. This income would be enough to secure a loan via the Council to repair the roads and still have money left over to invest in other aspects of Parish Council work.

Ann Osola, Head of Highways, gave a short presentation which outlined that:

- Private roads are not the responsibility of the Council and that there were thousands of private roads across the country.
- There was a clear indication from the consultations that the roads were the key concern for residents and the reason for forming a parish council.
- A Parish Council does not have to repair a road to the standard of central government legislation. These standards are known as adoptable standards.
- The layout of the Frost Estate, at present, would not be to adoptable standard. To improve the roads to this standard would be around ten times more than FERA estimated their current costs.

Sean Clark, Head of Finance, also gave a short presentation which outlined the following:

- Thurrock Council would collect the Parish Council money, known as a precept, as part of the Council Tax. The Council would not be able to keep this money for any other use and it would, by law, be given to the Parish Council to spend.
- The amount each household would pay to the Parish Council would be based on their property band and also any discounts that could apply based on state benefits received, single occupancy or if the resident was retired.
- The Council could not affect the levels paid by each person as the property band and discounts were set by central government.
- By way of example a Band A property, based on FERA's calculations for a precept, would pay £66 per year. If this was occupied by a single person they would only pay £50. A Band F property would pay £143.
- If the Parish Council ceased to exist the liability for its work, including any road repairs would be picked up by Thurrock Council. The Council could then either levy the charges from the residents of the Frost Estate or spread it across every resident of Thurrock.
- The amount of money the Parish Council wished to raise, which dictated how much each person would have to pay per year, would be up to the parish councillors when elected.

David Lawson, Deputy Head of Legal Services, outlined briefly that there were 8,500 parish councils across the country. There was yet to be a parish council that used its powers to repair highways. He added that:

- The council was undertaking a community governance review because of the petition that was submitted by FERA and this review had to be completed by September 2015. This review was strictly governed by legislation.
- In July councillors needed to decide whether a parish council for the Frost Estate would reflect the interests of the community and offer effective and efficient local government.
- The consultation did not focus on just road repairs as parish councils had a wide remit.
- To gain the general Power of Competence to repair the roads, a parish council would need to employ a trained clerk. The Official Receiver, who currently owned the roads, were willing to sell them for £3000.
- If a parish council was to look at repairing roads there was still a legal requirement for them to seek payment from the frontagers for this cost. If they did not, they could be open to legal challenge.
- If a parish council was agreed in July 2015, a shadow council would be established, administrated by Thurrock Council, before official elections could take place in May 2016.

Elaine Sheridan, Elections Manager, highlighted that nine parish councillors would need to be elected and Thurrock Council would help and advise any people wishing to stand.

Joy Darby, Chief Officer at the Essex Association of Local Councils (EALC), stated that there were 280 parish councils in greater Essex and they were also referred to as Local Councils. The workload of parish councillors was dependent on the residents and what they wanted their parish council to do. The amount of precept raised would also be dictated by what the parish council wished to do with its money. Parish councillors were not generally paid but were passionate and community minded people. Councillor Gili-Ross added that he found being a parish councillor addictive and although he was never able to resolve the issue he became a councillor for, he had contributed in many other ways.

Questions from the floor were invited but the Chair allowed Mr Gorham to speak on behalf of a group of residents who were opposed to a parish council. Mr Gorham explained he was a resident of Chamberlain Avenue and had an alternative proposal which was to employ a contractor to improve the junction at Gifford's Cross, which was a cause of a lot of the problems. The contractor he spoke to could repair the crossroad for £14,000 which would cost each resident £36. He felt this was much better than having £100 per year for five or more years. It was added by another resident that many politicians had become involved in the Frost Estate issue but had never visited the people where the roads were already repaired. Mr Rayner felt that this would not work as not everybody would be willing to pay.

Another resident responded to Mr Gorham stating that they had tried to collect money off residents for certain road repairs in the past and not everyone had been willing to pay. To ensure fairness a parish council would ensure everybody paid.

A number of residents spoke against a parish council because they had already paid for repairs on their road and this payment had ranged from £1000 to £2,500. They felt that a parish council precept would be unfair for them. It was also clarified during this debate that Lampits Hill Avenue had been paid for by residents but had then been adopted by Thurrock Council so all future repairs would be covered by Thurrock Council. One resident stated that everybody knew they had to maintain their roads and this had been the culture on the estate for decades. Mr Rayner responded that this had been the case but this task was not so easy now that heavy goods vehicles, including bin lorries, had damaged the roads beyond those repair capabilities.

Debate moved on to liability for accidents on the road. It was agreed that certain public service workers, including emergency workers, could end up not entering the estate due to danger to themselves. It was explained that no-one was liable for any accidents as the private roads were currently owned by the official receiver unless an object or situation had been created by a resident. In these cases, a lawyer might well seek to argue a claim for negligence. An example would be if someone had left an obstruction in the road. It was added that any situations that posed a significant health and safety risk to the public could see Thurrock Council intervention to make the roads safe.

A member of the public pursued this issue and asked whether the council could not improve the roads as they were dangerous already. It was explained that the danger would have to be far more significant and the sink hole in Hogg Lane was used as an example. Ann Osola stated she had £2 million to maintain the adopted highways of Thurrock and this was very difficult to achieve and therefore, additional costs had to be considered very carefully. If the Council was to repair private roads as well it would set a precedent whereby other residents across Thurrock could demand that Thurrock Council repair their roads as well. Thurrock council could not afford this.

The meeting was reminded also that liability included any claims of damage to cars and if a parish council were to buy the roads, it would have to pay for any claims made against them for such instances.

David Bull reminded the meeting to think of others and their situations and to think about fairness. He explained that if a parish council was created it was possible for those who did not want to repair the roads to become parish councillors and decide not to use the precept for road repairs.

It was added that the parish council would also have a number of running costs which included a clerk and auditor, which was provided by central government. An audit would cost around £300 and a clerk would be paid minimum £8 or £9 per hour excluding any sick or holiday pay. These costs were very much determined by how much the council did and how much they wanted to employ their clerk for. The minimum was usually five hours a week. There could also be a cost for hiring venues for public meetings.

The meeting moved on to timeframes for repairing roads under a parish council and officers stated that during the shadow council (pre-April 2016) they would be advising the parish council to collect money to cover running costs and then if the parish councillors wished to use a precept for repairing roads, this would start to come into effect in April 2017 onwards.

One resident suggested that the Council could drop every property by a band and use the excess money collected to repair the roads. Sean Clark responded that this was not possible as the property bands were set nationally.

Questions continued and a number of observations were made, including:

- A parish council precept would avoid people knocking on elderly people's doors to ask them if they want their roads repaired.
- Parish council repairs could be achieved without the parish council purchasing the roads.
- A parish council still has to approach frontagers to contribute to any road repairs affecting their streets.
- The roads are used by everyone and the lorries that cause damage serve all residents and therefore, all residents are responsible for the road repairs, even if their particular road is not affected.

It was discussed whether Lampits Hill Avenue could be removed from the proposed parish council. This seemed agreeable to the audience and it was stated that although the road was named in the petition, there was the potential to review the boundaries of the proposed parish to a minor extent. However, Mr Rayner pointed out that the official receiver would only sell the land as a unit and this included Lampits Hill Avenue. There would also be issues relating to general and local elections if this split was made.

Weight limits were briefly discussed and it was advised that this was a complex area as weight limits could only be applied in certain situations and it could have implications on the delivery of goods for residents on the estate.

The Chair invited Councillor John Kent, Leader of Thurrock Council, to address the meeting. Councillor Kent established that the parish council was being proposed for the express purpose of repairing the roads. The audience expressed their agreement. Councillor Kent suggested that if the crossroads under question could be repaired fairly then the estate would be largely happy. Again, the audience expressed their agreement. Councillor Kent suggested that the following parties meet in the next few weeks to see if there was a way to make repairs to the crossroads to the satisfaction of all:

- John Kent
- David Bull
- All ward councillors
- FERA
- Representatives from those residents who opposed a parish council.

Councillor Kent stressed that the community governance review needed to take its course and was a legal process that the council meeting still needed to conclude in July.

The Chair asked whether any people present had changed their mind in favour or against a parish council having attended the meeting. The audience expressed that it had not.

A brief debate took place on the introduction of cycle paths and it was agreed that this could be looked into but if possible would mean frontages where residents had expanded into could be used for this purpose. It was clarified that the council could not stop residents expanding their properties into the road.

One resident pointed out that the majority of those present were of retirement age and if the parish council precept was to be introduced it would not affect those people as much financially as the younger people on the estate who worked and would be liable to cover the older people's contributions. This resident also added that should the roads only be repaired to a lower standard this would cause flooding and other damage that would require the roads to be repaired more often. Therefore, it would increase financial burdens on residents.

The meeting finished at 9.35pm

Correspondence sent to the Council following the 15 June 2015
Public Meeting

1

Hi David,

I was at the meeting at East Thurrock Fc on Monday evening to what turned out to be a very informative evening.

I am writing to you as I am concerned that the Parish Council committee had been seeking votes without gathering any proper facts from the Council and informing people of those facts.

How can people have been voting on a Parish Council that said each household would be contributing the same amount.

When in fact some will not be paying anything when others could be paying double what was originally proposed by the committee. this is unfair and unacceptable.

That is only one issue that came to light during the evening. There was the case of liability insurance that the Parish committee have not mentioned, plus many more that I believe would have affected the votes had this been told to all voters.

I left the meeting in disgust to the lack information the committee had failed to collect, or inform people and how naïve they have been.

The vote was always going to be 70/30 as out of the 12 roads on the estate 3 pay for their own roads repair and up keep where the other 9 don't. what kind of democratic vote is that.

I believe this voting process is not worth the paper it's written on and disagree with it totally,

I want to make you aware that I am completely against the Parish Council and do not intend to be contributing towards it.

2

Dear Mr Bull, Many thanks for the enlightening evening at thurrock Football Club.

We moved here thirty years ago, along with three young children and a large mortgage. We arrived after the current residents had had a vote to have the road adopted and made up by Thurrock Council, so we were obliged to go along with it.

We had to increase our borrowing on our mortgage in order to pay for it. We paid that mortgage off five years ago and have no intention of starting to pay for, the other roads on the Estate. You may not be aware but a lot of these homes have had expensive block paving driveways, taking their frontages right down to the road.

This would have been more than enough to cover the cost of having the road made up. None of the house down this road have had it done. Also due to our road being

made, our council tax is considerably more than these other properties, therefore in the scheme of things we would end up paying more than they are. therefore we do not wish to go down this road so to speak, and become a parish council

3

Firstly, may I say how mislead I was regarding the purpose of the Frost Estate Public Meeting.

I was lead to believe that a Parish Council was for the betterment of all the residents. This is not so and I consider it illegal that it was just the purpose of repairing the roads at the top end of the estate and wonder how many of the folk that voted for a Parish Council would do so if that was excluded.

I live in Lampits Hill Avenue and that road was adopted by the council and it's cost met by the residents of LHA and Chamberlain Avenue has been maintained and repaired by the residents living there.

We side onto Chamberlain Avenue and have just had the road resurfaced at a cost to us and our neighbours. If some were financially unable or unwilling to pay the cost was met by the rest of the residents. Further down Chamberlain the residents did the same, as did the residents in Arundel Drive.

We feel that a Parish Council will not better any of us whatsoever, as their only purpose for being elected would be the repairing of the roads for which none of us are willing to pay for as we have met a hefty cost with our own.

I would also question the legality of the questionnaire.

The introduction of a Parish Council will most definitely split the Frost Estate in two and cause extreme bad feeling amongst the residents, as we were so mislead that nothing would help or better our standard of living and wonder how any council could legally obtain money from us for nothing but to fund a Parish Council that we don't need or want.

The meeting left us little time to put our case forward or indeed when anyone argued against the Parish Council they were laughed at or shouted down.

Many of us have met since and are extremely angry at these findings and we are willing to get a resident's signed petition together from the folk in Chamberlain, Lampits Hill Avenue and Windsor Avenue.

PLEASE DO NOT LET THE FROST ESTATE BE SPLIT BY THIS.

4

Dear Mr Bull

Following on from the public meeting on 15-06-15, we would like to express our views personally to you concerning the proposed set up of a Frost Estate parish council.

- We do agree that some roads on the estate are in need of repair

- We do agree that the cross road at Central Ave and Gifford's Cross Ave are in a particularly poor state of repair.

However,

- We do not agree is that a Parish Council is the right way forward, long term or short term, for the estate as a whole.

This subject is already proving to be divisive among residents, and that can only get worse as peoples feelings and opinions get stronger, that is very sad, we have lived here for 13yrs 6mths, and in that time there has always been an atmosphere of neighbourliness and community. People take pride in their surroundings and behave accordingly. What a very sad state if that were to come to an end because people did not like others' stopping' (as they see it) them from getting their new road.

There was a view, forcefully expressed that night, concerning the route 'we all took through the estate' may I please correct this, we do NOT all travel through the estate to get out houses, people in Chamberlain, and Lampits Hill Ave in particular do not, why would we, when it is a much more straight forward for route us to travel along via Lampits Hill and enter that way??

Yes it is true that both sides of Chamberlain Ave have now made up and paid for their own roads to be renovated, but having done this, we have had to accept that people who did not pay towards this do in fact travel on those roads. People who live along Balmoral for example, cut through to Lampits Hill Ave, as do many others. We are not proposing to track them down and make them pay!!

The meeting was very interesting, not least because there were a number of points both financial and legal which came up that have not been imparted to us as residents on the estate.

- The sole reason for certain people pushing ahead with this idea is to have the junction at Central Ave repaired, this is **NOT** what Parish Councils were intended to be used for
- No one can tell us what the precept is going to cost each and every one of us every month, only **guesstimates**
- If this goes ahead, the P.C. would need to employ a clerk, with the legal implications of that, e.g.: holiday pay, sickness pay, pension set up costs and of course the cost of wages
- If this goes ahead and the P.C. purchases the roads, as was suggested at the meeting, this sounds like an answer to some of the problems, but, without taking into account the legal implications of this move, because, we then **ALL** become liable for any accidents or injuries on all of our roads, at the moment we are **NOT** because the roads are in the hands of the official receivers with no liability.
- There is another possible legal issue, because as well as any precept that the P.C. may levy, they will also be legally bound to collect money for the repair to the roads from the people who front those roads which are affected

- The P.C. would also be legally bound to employ an auditor, in order to fulfil another legal requirement and ongoing cost
- There would also be the need to purchase insurance, another ongoing cost
- If the P.C. is set up, and in time goes into liquidation/dissolves with debts, we **ALL** will still be liable for payment of the remainder of the debt. This could run into hundreds of thousands

There are no concise costing for the repair to the Central Ave Gifford's Cross junction, so how can anyone agree to go ahead blindly??

It was also interesting hear from the financial advisors at the meeting, who voiced the opinion that, the money which the proposed P.C. were talking about collecting in no way will cover the costs of bringing the roads up to a council road standard.

We feel so very strongly about being told we will pay towards something which is being set up with one sole purpose for certain people, we have taken the decision that if this proposal does get the go ahead we **will cancel our direct debit and be withholding the precept portion of any council tax which Thurrock collects.**

Having spoken to many like minded people, the withheld precept will go towards any possible legal challenge we all may need to mount against this proposal.

It is not right or fair that, although they may be a minority, a significant number of people are forced into having yet another monthly expenditure, and legal responsibilities thrust upon them.

We cannot implore you enough to try to help the present FERA, see that there must be other avenues to explore in order for them to achieve their goal.

We hope that FERA, you and Mr Kent can come together and resolve this situation fairly and justly for ALL.

Thank-you for your time and in anticipation of your success in finding a road forward

5

Dear Mr Bull,

I am writing to protest against a parish council on the Frost Estate, the implications of further outlays of money as well as the £2 a week are strong, and as I have already paid for the road outside Lampits Hill Avenue, I will refuse to pay further Tax

6

Dear Mr. Bull, I am contacting you regarding my on going cost should a Parish Council be formed for the Frost Estate. It became clear from the recent public meeting held on 15-6-15 (as council leader John Kent recognised) that the whole drive for a Parish Council was solely to get the roads repaired, with the priority being the cross-roads at Central Avenue and Giffords Cross Avenue. I live in Lampits Hill

Avenue which was made up and adopted by the Council some twenty years ago. The cost of which was met by the property owners whose boundaries bordered Lampits Hill Avenue, there being NO contributions from any other home owners on the Frost Estate. Bearing this in mind, it's fair to mention that I paid £2200 at this time. It is therefore totally unrealistic to expect me to pay for the road improvements mentioned.

I am also led to believe that the costings for a Parish Council is calculated on a percentage of the Council Tax banding. This being the case, with my property being in band F it seems likely that I would be paying more than the majority of the Frost Estate residents who will benefit from the road improvements. Which again is totally unreasonable. It is for these reasons that I would withhold any payments towards a Parish council.

I feel I had been misled by asking to complete a questionnaire highlighting the needs for the Frost Estate when it is now quite obvious that it was just about getting the roads repaired.

Taking all this into consideration I would be quite happy to be regarded as not being part of the Frost Estate.

Many thanks for your time

7

Dear Mr Bull

Following on from the residents/council meeting held at East Thurrock Football club on Monday 15 June 2015, I wish to make my personal views heard.

There are a significant number of residents on the estate who feel that a Parish Council is the only way to get the necessary repairs made to their roads. As has been pointed out over and over again, this is a private estate. Everyone that lives here was well aware of that fact when they purchased property on the estate. We all made that choice! As a homeowner, my decision to buy my home was influenced by the nature of the estate, including the roads.

Having said that, Chamberlain Avenue, where I live has been repaired to a good standard by it's residents. There were some people who couldn't pay their share and there were some people who wouldn't pay, however, our small community pulled together and got the job done!

This is an emotive subject for most, with many people not seeing the bigger picture and the spiralling future costs for all on the estate. As one who has already paid out,

I am not prepared to back any further expenditure based on approximate costs, in addition to several complicated legal implications for all.

Thank you.

8

Dear Mr Bull

I am against the setting up of a Parish Council. The residents of Chamberlain Ave have already paid to have their road resurfaced. After the meeting on 15/6/15 I believe the costs will spiral and cause more friction and divide the community. Again it's only my belief but the Parish Council option is only being pursued to get the roads repaired and people are not thinking about all the other implications.

9

Good afternoon Mr Bull,

i do not want the parish council to be formed and as i live in Lampits Hill Avenue. the road has already been made up and cost has already been paid for this, the sole reason a minority of people want this parish council to come into existence is to charge the cost of the roads to everybody on the estate regardless of whether it is fair or not..i am not willing to go blindly into a contract with anyone without knowing costs or implications regarding any financial arrangement. i strongly disagree about the parish council and feel that a few householder/residents are rail roading the entire frost estate without detailing any financial implications to best suit their own agenda which as previously stated does not suit mine....i also am not willing to take on any legal responsibilities regarding the parish council and their hair brained activities as i see this will cost everyone money that they cannot afford!..please use this letter /e-mail in any way that you wish to fight against this motion which i see as a railroad against the normal residents on the frost estate from a small amount of so called residents who want a free or cheaper ride for themselves.

10

For the Attention of Mr D. Bull,

After attending the meeting on the 15th June in respect of the above, We feel we were not given the full facts of what a Parish council entails, regarding costs and legal requirements. We do not think the vote was a legal one under these circumstances.

As there is no benefit to us we will be withholding the precept part of the council tax payment.

11

Thank you Thurrock Council for injecting clarity and common sense into this debate.

We feel that had we had all the facts and figures when asked to vote the outcome would have been somewhat different. The campaigning by the Frost estate committee was quite aggressive and we were led to believe that it was going to be utopian and affordable.

We have a very long side frontage and used a considerable lump of our savings paying for it to be made up. We feel it's grossly unfair to be made to pay for roads we never use. Please note this is not a toll road and the other residents of the estate have been using it without paying a bean.

In the past the residents have banded together to improve their area of road. Indeed, some are still doing so at their personal expense. Should they be made to pay for roads (really, it's all about one crossroad) that neither they or their visitors ever use?

We are both pensioners and will refuse to pay for the expensive farce of a parish council.

12

Dear Mr. Bull

Further to the recent debate concerning the proposed parish council, I feel I need to voice mine and my families full objection .

I believe the residents of Lampits Hill Avenue have already been charged to have the road adopted by Thurrock Council in the eighties?

Charges were made I believe based on the size of frontage to properties, therefore I believe it would be unjust and totally wrong for us to have pay again ?

I understand the need to repair and maintain the estate which has fallen into disrepair , but there must be a fairer way forward than making us all financially and legally responsible, when we have already been levied with a charge.

I would ask that much further debate take place before any decision is made, and also the looking into the legality of us residents in Lampits hill avenue being charged twice ?

If this does go ahead then I will be withholding the Parish Council precept part of any council tax payment collected by Thurrock Council.

13

Dear Mr Bull

I am writing to you as a formal complaint and oppose the proposed parish council for the Frost Estate in Corringham. There are a large amount of residents that do not wish for this parish council to be formed. Residents are being forced into something that has not be thought out properly the consequences of having a Parish Council could be a financial disaster for the residents. If this goes ahead then i will publish with TV and newspapers whatever it takes for everyone to see how some residents have been steam rolled and forced into becoming a parish council. The costs are phenomenal in setting up a parish council. I already pay my full council tax. Lets look at exactly who will be footing the bill.

If there are 387 houses on the Estate there should be 387 votes.

If there are 387 houses of which 200 are owned by OAP's for example.

Thats leaves 187 houses. Less people who rent on the frost estate and are on benefits for example lets say 10 houses. That leaves just

177 houses that are liable to foot all the bills, costs, roads, insurance costs of the parish council.

How on earth Mr Bull is this fair? Can you tell me or evidence how this is even remotely viable?

The cost of the cross roads to be repaired was a guesstimate of £30,000

That means that 177 will have to pay £180 for example.

Then on top of that the costs of setting up the PC. Of which no one really seems to know the cost so for example lets say £100,000

So 177 will have to pay £565.

I make it that the first years Parish council tax will cost me an extra £745 a year on top of my council tax.

Where do you suggest i find this extra money Mr Bull? Should i ask my employer for a pay rise? Or should i just chuck my job in and claim benefit and let you pay it?

If this does go through then I will be with holding the parish council precept part of any council tax payment collected by Thurrock Council. You potentially Mr Bull could make me homeless if I cannot pay my mortgage.

14

Dear David Bull,

Knowing the awful state the roads are in on our Frost estate tells me that something has to be done sooner than later. I therefore listened and went along with the idea that a "**Parish Council**" was a way forward just to get things moving.

Since attending the meeting last Monday 15th June with a follow up of your letter shows that a **"Parish Council"** is in my view a worrying prospect, with unforeseen liabilities which a lot of people including myself were unaware of at the beginning.

As a pensioner I certainly do not want to commit myself to any long term complex legal and financial open commitments that we can not opt out of once in place.

Having been made aware of the full implications I now feel I can no longer support the idea, therefore - please note and accept my **NO** vote for a **"Parish Council" on the Frost Estate.**

P.S

I know the need of repairs to these roads won't go away - nor do I have the answers to the problem,
but if nothing is done then access to the estate will become impossible in the foreseeable future.

15

David

Firstly thank you for providing such a concise summary of the recently held meeting to discuss the Frost Estate roads. I attended the meeting, along with many from the Frost Estate. Up until that point it's fair to say I was probably ambivalent to the whole Parish Council matter. I live in Chamberlain Avenue and have paid to have the road outside my house re-newed as have the majority of the people living in Chamberlain Avenue. Looking back to the voting for the Parish Council I recall the matter of fairness was touched upon however there was no real clear statement regards who would pay for what, something that was clearly addressed and spelt out at the recent meeting.

For me that was just one topic that, up until the meeting, was kind of floating in the air and hadn't really been addressed. More worryingly a number of other topics were raised at the meeting which certainly were not covered during the Parish Council voting process. I do feel the vote was conducted without the residents being in possession of the full facts which are summarised in your note.

Personally I do feel if the full facts were available, prior to voting, the outcome would have been very different. I'm concerned that a small group of determined individuals are attempting to railroad the residents into agreeing to a Parish Council without considering the full implications of what this may bring. I'm certainly not comfortable with the legal issues, working for a Bank I'm uncomfortable with the embryonic borrowing proposals, another angle is the overheads that the Parish Council will

incur and lastly if this was such a great way to address the road issue why is the Frost Estate the only place in the whole country that is taking this course of action. It really does seem to me a sledge hammer to crack a nut solution potentially with wide ranging and long term implications for all the residents of the Frost Estate.

At the very least I would like to see the Parish Council proposal put to the vote again now that the residents are in full possession of the facts. I would certainly be voting against a Parish Council this time around, as demonstrated in some areas of the estate I'm sure better and more appropriate solutions can be found to address the road issues as opposed to signing up to a parish council which will potentially divide the community and cause the residents headaches for many years to come.

I thank you and your council colleges for taking the time to consult and listen to all resident views for me this really isn't the way to proceed.

16

Dear Mr Bull

I am a resident on the Frost Estate and was at the meeting last Monday held at East Thurrock FC.

Having heard the details of the Parish Council proposition , I am deeply concerned on how this will be funded and with all the different concessions that will be allocated.

When you work out the approximate demographic on the estate, it appears the majority of this will be funded by hard working families. Whilst I am not against concessions, what I am against is what is appropriate funding for a particular project.

This is about certain roads on the Frost Estate and nothing else and yet we seem to have managed to get to a point of setting up an expensive bureaucratic additional layer of council , to get road repairs done.

I like many others on this estate have self funded for my road and maintenance. I knew that when I brought my property 16 years ago that this would happen , so I knew what I was signing up for.

The Frost Estate does not need a Parish Council, probably what it needs is a Club. A club that has no obligations (a constitution) but can involve and be inclusive for all residents .A club with an amateur committee that can define projects within the estate and be judged by the residents.

I am deeply worried when I hear the sums of money that need to be borrowed going forward under a Parish Council , to maintain the roads and the debt it will laden the Frost Estate residents with – plus the servicing of any debt.

For the sake of common sense , I urge you and your council to reject the Parish Council and consider other more cost effect and sensible options.

17

Regarding the above meeting. If the outcome means adding the FERA fee to our council tax we would like to ask if we could be exempt from this and not belong to the FERA.

We are pensioners who have lived here for 45 years and have always looked after the road outside our bungalow. A few years ago we paid over £1,200 to have our strip of road made up which was not easy to find

We do not like the idea of having to pay a FERA Clerk, Auditor plus Hundreds and Thousands of pounds also interest which we would have to pay for the rest of our lives.

Thank you for your consideration.

18

Dear Mr. Bull,

Further to your letter re: Parish Council. I live in Windsor Avenue and have already paid, along with my neighbours, to have my road repaired, and therefore, I would not be in agreement to have a Parish Council. I feel very strongly about this as I am a widow and a pensioner and obviously do not want to incur any more fees than I have to. I am already in a high council tax band. I am also very concerned to hear about all the other fees we would have to pay, which you have stated in your letter. I do wonder if everyone on the Frost Estate realises just what this parish council would mean, I certainly didn't until your men knocked on my door about the meeting, which I attended the other night. Do you think a bit more canvassing would be useful. Thank you very much for all the work you are doing in this regard,

19

Dear David Bull,

I was an original member of the 'Steering Group' and therefore a supporter of forming a Parish Council.

However, since the public meeting, where I learned some valuable information, I have changed my mind to -

NO Parish Council.

Originally I believed we could raise a precept and which would be the same for each household , with even some possibility to compensate those that have already made up or had their road adopted.

Also that the precept was not a rates charge, but a separate charge that simply used the rates mechanism to collect the monies which would be passed to the PC to use at their discretion.

At the meeting I learnt that the precept would be a rates charge and therefore subject to those particular rules and adjustments, which would be out of our control.

I joined the Steering group because I believed in a community spirit, NOT JUST THE ROADS.

I believe a lot of people who voted Yes, are changing their mind in the light of more detailed information.

20

Good Morning David,

I and my husband live on Frost Estate at Lampits Hill Avenue. We are very concerned that the proposal for the estate to become a Parish Council does not consider the implications for pensioners such as ourselves. We are both retired and are limited to small private pensions and government pension. The proposal to change to a Parish Council will greatly impound on our already stretched finances and for no benefit to us.

We are already in an adopted road and pay our Council Tax to accommodate this, we in no way want someone else deciding that we should take on more financial burdens purely for the benefit of those who chose to buy in an unmade road and probably benefiting from lower priced property and lower Council Taxes.

Please consider our plight and many like us when considering this proposal.

21

Dear Mr Bull

I am writing to give my opinion of the proposed Frost Estate Parish Council.

My husband is very active in the debate, holding a very strong view against the proposal. I am aware you have had a number of conversations and communications with him, and although my view is the same, I felt I should voice my opinion on the matter independently.

I have attached the list of responsibilities a Parish Council can have (taken from the initial consultation document), and have added a column to detail each points relevance in the case of the Frost Estate proposal. In nearly all cases the responsibilities are irrelevant, and it is very clear that this proposal is being made purely to repair the roads on one part of the estate - a one off requirement that the whole estate will pay for via precepts forever.

It is also not clear that a parish council would have responsibility for the roads - it details footpaths, bridleways, and light roads - none of which apply to the Frost Estate in my understanding. Thus making the whole proposal null and void.

There are a multitude of reasons that I oppose the proposal, but I have listed the main ones below as a summary:

1) The initial communication regarding the proposal was poor, and was concentrated on the areas that are most affected by the roads. Any meetings held to discuss the proposal were not publicised, and in fact my husband attended a meeting, where the committee actively voted not to have a public meeting to discuss it.

2) There are a number of elderly people on the Estate who do not drive, and are least affected by the roads, as well as being the least able to afford the increase in Precepts. It is likely that a large number of this group of people, through lack of communication and understanding of what a Parish Council would mean, did not vote.

3) When canvassing for votes, a number of households in the areas least affected by the roads, would not even discuss the Parish Council, but said they were "not interested" and had thrown the voting slip away. Due to the poor communication strategy, it was not clear to everyone that not voting could result in a majority vote for the council to be formed - these people would have voted 'No' if they had fully understood.

4) A Parish council is expensive to run, and to date, it has still not been made clear how much the running costs will be. As such, it is not known how long it would be before the monies were available to pay for the repairs to the roads. We have recently found out the precept is based on council tax banding. The most expensive precepts will sit with the roads least affected by the roads. Once the roads are repaired, it is unfair that all residents will have to continue to pay this money over each year, with no added benefit to them.

5) To repair the roads privately is at a cost of £14,000. This amounts to £38 per head on the estate and would be a one off payment with the roads being fixed within 3 months of the funds being raised. It seems therefore ludicrous to me that we would (as a community) prefer to see our precepts go up so dramatically, and then

see no immediate benefit, as we pay for all of the other running costs of a council. I am sure if this was communicated properly to all residents, they would see the benefit of the one off payment.

6) Once the Parish Council own the roads - what is their responsibility for accidents/damage obtained on them? As I understand it no insurer will give the Parish Public Liability Insurance, as it has never been done before. Will all house owners on the Estate be responsible for any legal claims for injury or damage to cars?

7) Can a Parish Council accrue debt, and what responsibility do the home owners have? Could, in a worst case scenario, my assets be at risk for such a debt?

8) Will my property value decrease as a result? I believe it will as a potential owner will not want to be embroiled in the politics of a Parish Council, and will not be happy to pay the additional precept on their council tax.

9) Lampits Hill Avenue, has been adopted by the council. It sits on the edge of the estate and it's residents enter and exit via Lampits Hill. It is for all intents and purposes a normal road, double width, with pavement and street lighting. They have already paid a large amount of money to get the road to this condition, and I do not feel it fair that they are now being dragged into this debate - without any initial consultation. There are a number of roads on the Estate that have a significant majority that do not want the Parish Council to be formed (not least Lampits Hill Avenue). All roads should have been consulted before the boundary of the council was put forward, and as they were not, the proposal should be void.

10) The current committee is made up of people who live in the immediate area of the cross roads (the worst part of the estate), and are therefore biased in all their decision making, and strategic in how they communicate information to the wider group.

Based on the facts that have come to light since this proposal was put forward, if a Parish Council is considered the only option, it is my opinion the current proposal should be voided, and the process should be re-started with a better communication plan, and advice from councillors throughout. Individual roads should be consulted, and the boundary of the Parish Council proposed should be changed to reflect the households that are affected by the road problems, and therefore want the council to be formed. Everyone in the new boundary should have access to information, be invited to meetings, and be effectively communicated with throughout the process.

This would ensure that, should the new proposed Parish Council succeed, it will do so fairly.

I believe there must be other avenues that can be explored to effectively get the roads repaired, without the need for the Parish Council at all. These avenues should certainly be considered first.

I apologise for going over a lot of old ground here. I am sure this mirrors many other communications you have had with people on the Estate. I just felt it important to put my views across to you at this point in the process.

Many thanks for your time.

22

Dear David

May I congratulate you and other council staff, on the way all of you informed residents on what a parish council will mean to them, which is totally different to what they have been led to believe.

Since the meeting of 15th June, we, the group wholly against the formation of a parish council, have been speaking to residents and asking what their views are now, not surprisingly, many of those for a parish council, have changed their mind, and their numbers are growing.

We were promised an equal opportunity at the meeting, to give the alternative view to a parish council, instead we found that we were consigned to the stalls, with a pass around mike, while two members of the EALC, (who in our opinion, should not have been there) were given top billing on the stage.

Like the council, we have offered a number of very viable alternatives to a parish council, every one discarded out of hand, by the self appointed committee, we must come up with a solution, failing to do so, will divide this community, and the ramifications of that of serious concern.

We look forward to the meeting between councillors and yourself, and representation from both sides of the parish council debate.

23

Good afternoon

We are totally opposed to the Parish Council, although we sympathise with the condition of the private roads on the estate, their Council tax is lower than our own as we have already paid for our road to come under the council and our rates were increased accordingly.

Perhaps a proposal can be made which excludes Lampits Hill Avenue from this Parish Council, we are worried that we would be forced to ultimately pay for the rest of the estate to have their roads rebuilt, we understand that this is being voted on but we are afraid if this does go through then we would have to withhold the Parish Council precept part of any council tax payment collected by Thurrock Council.

24

I have lived on the frost estate for 56 years longer than most and for 44 years of that I have been repairing the road for myself and elderly neighbours, during this time I didn't receive any help from people near the cross roads of central and giffards cross because their roads were fine at the time where as Windsor, chamberlain and lampits hill ave were completely unmade. I don't see why that now their roads are deteriorating I should have to help them repair them when with the help of new neighbours in the last few years we have repaired our own. I wish they would just get off their asses buy some aggregate and cement and repair them themselves as I used to. If the Parrish council goes ahead I have no intention of paying for it. Because I was born here I inherited the house and don't earn a lot of money so I wouldn't know if I could afford to continue living here unlike the affluent people that have been moving onto the estate over recent years who knew what the roads were like when they moved here. Why should I be forced to move with my 89 year mother because they can't be bothered to do their own repairs. Would these people like to come and maintain my property for me ?? I don't think so.they should put their hands in their own pockets and pay for the repairs leaving everyone else out of it.

Q. Could I sign a disclaimer devoiding me of any connection to a PC

Q. If it does go ahead and I withhold payment for a PC would a charge be levied against the house, if so could I sue the instigators of the PC for this charge as I am 100% against it

Q. If the majority of people living in any particular roads didn't want this could the frost estate be split some in a PC and some not.

25

Dear Mr Bull

I am writing to you to register my support for the proposal to form a parish council to resolve the road problem on the estate.

I feel that as the recent referendum delivered a firm 70% majority for the proposal any further delay would be completely undemocratic. I know that some are not happy with the idea but I feel that a vocal minority are being given unfair consideration over the wishes of a substantial majority. Most people on the estate will have used the main crossroads at some time in the past and this will have contributed to the damage caused. I think it is not unreasonable therefore for them to contribute to the

repair costs. I would also point out that there are other roads requiring repair now and that in the future still more will require attention.

The only way we can ensure a fair spread of the ongoing costs is a formal grouping of residents with the power to collect funds from all. Unless you have an alternative to the proposal that meets these criteria I ask that you approve and implement it speedily.

26

Dear Mr. Bull

I support the setting up of a parish council for the Frost Estate.

If we don't do this, the pot holes in the roads could do serious damage to residents if they fall over them and there will be a serious amount of damage done to cars.

This is the only fair way to ensure we all contribute to road repairs on the estate.

Thank you.

27

TOTALLY OPPOSED TO THE VOCIFEROUS MINORITY WHO KEEP TRYING TO IMPOSE THEIR VIEWS ON THE SILENT MAJORITY ON THE WHOLE OF THE FROST ESTATE . THE BUNGALOWS ON THE FROST ESTATE WOULD BECOME UNSELLABLE WITH THE ROLLING COST OF THIS VENTURE. IF THURROCK COUNCIL WOULD ADOPT THE ROADS AND FOR THE RENEWAL OF THE ROADS ON THE FROST ESTATE , AND PUT A REASONABLE AMOUNT ON THE COUNCIL CHARGES UP TO THE POINT OF THE COST OF THE VENTURE WAS PAID OFF AND THEN CONTINUE AS PART OF THE THURROCK COUNCIL RESPONSIBILITY TO THE ROADS ON THEIR BOROUGH, IT WOULD BE ACCEPTABLE.

28

Dear Mr. Bull,

I have read with interest your news letter the contents of which I completely agree .

Having lived on the Frost Estate all my life (78 years) I strongly object to a small group of people trying to force their ill conceived ideas upon myself and other like minded residents.

I attended the meeting at T.F.C. 15.6.15. and it appeared to me from the mood of the audience that the idea of a 70% majority in favour of a Parish Council fell very short of the mark.

I may appear somewhat selfish , I don't drive but I feel that those residents wishing

for repairs to their section of the road should pay for it and not expect others to subsidise them.

Living at the Brampton Close end of York Ave. I am rather worried that the bollards outside my bungalow would be removed ,turning a quiet road into a rat run through to Brampton Close.

I have read the latest F.E.R.A. news letter I was rather bemused to read of proposals to add cycle paths should their plans go forward,talk about keeping down costs!

As you no doubt will have gathered I am not at all in favour of the forming of a Parish Council , I'm sure some other solution can be found.

I am sorry , I seemed to have sent this email unfinished, my apologies.

29

Dear David,

I am responding to the Anti Parish Council Committee letter I received yesterday. Your details were attached and I can only presume you are aware of this letter?

I am a resident in Carisbrooke Drive on the Frost Estate and since the whole issue of roads and the setting up of a Parish Council has been discussed I have not engaged with any meetings. I have however voted against a Parish Council being set up for the following reasons:

- I do not see why the Frost Estate residents cannot get a reduction on their council due to the lack of maintenance carried out by the council on our estate roads? I understand the complications around the fact that the roads are not adopted, however the residents pay the same tax as other residents in Corringham who do receive local road maintenance.
- The current proposals to set up a Parish Council are not thought out from a financial perspective and are vastly under estimated, especially if once plans to repair roads are passed by your surveying department and then it deemed that suitable drainage, pavements etc may have to be included. Not only would this lead to additional expense but potentially it could result in the loss of property in the front gardens for residents to which many would object, including myself.
- There has never been any financial proposal presented by those who are proposing this council and therefore the residents have voted without knowing the true cost implications? Surely this is grounds for an investigation into the matter as I believe the residents have been misled? Should the residents know the true cost they would probably be happier spend a bit more money on a 4X4 vehicle and leave the roads as they are?

I would be grateful for your thoughts?

Kind Regards,

30

Dear Mr Bull

Following the meeting held in Corringham on the 15th June regarding the Frost Estate, we would like to confirm that we are in favour of finding a way forward just to repair the roads, rather than forming a parish council, as proposed by the resident association.

We only moved onto the Frost Estate last year and have therefore not been involved in the parish council meetings from the start. We are concerned about the roads, especially as to how bad they are going to be in the future and what problems we will face, however, we do not feel that a parish council is the answer.

We look forward to hopefully reaching some sort of agreement with Thurrock Council as suggested by Cllr Kent at the meeting.

31

dear sir, I would like to register my opposition to the frost estate becoming a parish council, many of the residents did not vote, therefore we do not have a clear picture of the residents wishes.

32

Hi David,

Just a short message to express our views on the proposed parish council for the frost estate.

Under no circumstances would we be part of this proposal.

In fact we feel so strongly about this we would withhold the parish council part of our council tax and be prepared to go to jail if we were forced into it. We would also look into taking legal action.

I am sorry David for such strong word but this reflects our feelings. For a parish to work it would require the full backing of the people involved and it has not got this that by far.

We already have a elected councillor, we wants lower council tax and there are much better solutions been put forward to solve the road problems.

And to add we do not trust the people who are pushing the parish council idea.

thank you for your time in reading

yours and best regards

33

Hi David,

I am writing to you as suggested by a letter I received from the "Anti Parish Council Committee"

I would like to see some repairs done to the Frost Estate roads, especially the Central Avenue, Giffords Cross Crossroads.

I think any money raised towards these repairs should be on a voluntary basis and would be prepared to make a one off payment of maybe £100 if some other residents were prepared to do the same just to get some repairs started.

I am not against the "Parish Council" or pro the "Anti Parish Council Committee" but I do not want any open ended compulsory amount added to my council tax, If it was a small amount ie £5 or so and capped and people could opt out if they wished then maybe.

I believe that my Council tax has always been high considering I get less services than some made up, adopted roads and there should be scope within that to make some emergency repairs, not adopting roads, but just ensuring they are safe to drive around slowly.

Regards.

34

Dear David

Unfortunately I was away when your meeting was held, but I have been informed of the outcome of the meeting.

My husband and I are against having a Parish Council, we live in Lampits Hill Ave and feel this doesn't really involve us.

I would also like to add if this does go through then we will be withholding the Parish Council precept part of any council tax payment collected by Thurrock Council.

Yours Sincerely

35

Dear Mr Bull

We are contacting you regarding the proposed set up of a Parish Council for the Frost Estate in Corringham. After attending the public meeting held on the 15th June 2015, we have some concerns regarding the Parish Council. Our main concern is the ongoing expense the Council will cost us for the future. We are both coming up to retirement and do not want to be laboured with any extra costs at this stage in our lives.

If this does go through then we will be withholding the Parish Council precept part of any council tax payment collected by Thurrock Council.

Kind Regards

36

Dear David Bull,

further to the meeting of the above 15/6/15, I wish to make my opinions known.

I do not agree or give my consent to the formation of a Parish Council, for the following reasons:-

1/ I believe that the effect of forming a parish council along with their 'governance' will detract from the cohesion of the frost estate community.

2/ We have up to now been ill advised by FERA about potential costs to the residents.

3/ It appears that a parish council will only be interested in road repairs, this is not the complete function of a parish council.

4/ Parish council staff, insurances, legal, liabilities, and costings are pure guess work with too many unknowns to which the residents must subscribe.

5/ I do not give my consent to yet another form of 'governance' by Thurrock Council.

6/ I would not be in favour of a parish council having to 'beg' for grants or loans to spend inefficiently on my behalf at my expense.

7/ I do not think that a parish council could operate in a fair manner to all residents, and equality in a legal sense is paramount and mandatory.

As you will understand I am opposed to, and do not give my consent to the setting up of a Parish council.

I am however in agreement for you, and Mr John Kent to exploring other ways to move forward on this matter, to resolve the issue of road repairs in a fair and equitable manner.

37

Dear Mr Bull,

Our Grandparents and parents have lived on the estate for many decades and now we are very lucky to have purchased a property on the estate ourselves. It is a beautiful estate and always do our bit to maintain that whilst our young family is growing.

We are strongly against any form of parish council for this estate, the continual cost is unacceptable and we will not pay if this stands.

We are committed to maintaining our beautiful estate, and our property and feel an alternative route is necessary.

If this parish council does go through then we will be withholding the parish council precept part of any council tax payment collected by Thurrock Council.

Yours sincerely

38

Dear Mr Bull

I originally voted in favour of creating a Parish Council for the Frost Estate but, with so much conflicting information (and misinformation) being circulated I am no longer sure of how I feel. I understand that a meeting will be held next month to try to arrive at an amicable solution and, if this is so, will we be apprised of the result and given a fresh chance to vote? Also, can you tell me whether there is any possibility of the cycle path option solving the problem of the damaged roads. It has been suggested that a cheap option would be to employ a small driveway company to undertake the major work and I am a little concerned about this - cheapest is not always best. I would be grateful for your observations and look forward to hearing from you.

Regards

39

Hi

The idea originally was for the parish Council to be fair and equal for all of us on the Frost Estate and all pay a small equal amount.

Since the meeting on the 15th June when the facts were made clear that this is not the case, I would like to ask this.

Do those residents that were in favour of the Parish Council now believe this is Fair that some residents will pay a lot more than others, including those that have already paid for the repair of their own roads they live in.

Does the Council also think this is fair and that it only appears that the Parish Council is all about the roads and nothing else.

It appears that only some parts of the estate are going to benefit from the payment of others if this selfish idea goes ahead.

This will bring No unity to the Frost estate, only resentment.

40

75% of the residents on the frost estate want a parish council why are Thurrock council holding back .Its a democratic vote. A frost estate resident.

Dear Mr. Bull,

23-6-2015

After the meeting held on 15-6-15
It was very disappointing as
nothing said has changed my
mind about a NO to a
P.C. So I do not agree to
a P.C. I agree that the state
of the roads are in poor repair.
We my husband and I paid
to have our road done at
a cost, but we were happy
to do it.

As for the cross roads mentioned
we agree something should
be done and we hope a
solution can be agreed
on this point.

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[REDACTED]

David Bull, Director of Planning & Transport
Thurrock Council
Civic Offices
New Road
Grays
RM17 6SL

Re: Frost Estate Community Governance Review

29 June 2015

Dear Mr. Bull,

I am writing about the proposed Frost Estate Parish Council.

My preferred option would be to simply let Thurrock Council be responsible for the roads in the area. The Frost Estate is not geographically isolated, and with a population of around 700, there will not be that many candidates for parish councillors, some posts may be appointed unopposed.

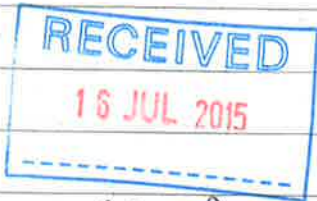
However, I would prefer that a parish council be set up to the current set-up of private ownership.

Thank you for taking the time to read my letter.

Yours sincerely,

[REDACTED]

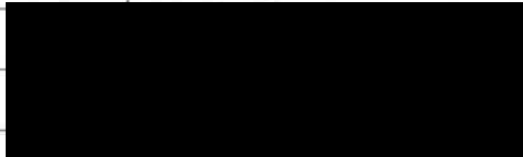
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Dear Mr Bull

we are pensioners
when we agreed to a Parish Council
we were not given details of
cost involved. Since received your
letter and became aware of all
the problems that could arise
we no longer wish for a
parish council

Yours Sincerely



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Notes of the Meeting between FERA and APCC at Thurrock Council held on 12 August 2015 at 6.00pm

Present:

FERA
Mr John Cooper, Mr Michael Thorogood, Ms Janet Deeney, Mr Alan Rayner and Mr David Noble.

APCC
Mr Joe Ravenhill, Mr Emerson Goreham, Ms Karen Barker, Mr Richard Parker and Mr Peter O'Rourke

Ward Members
Councillors Richard Speight, Colin Churchman, Deborah Stewart and Roy Jones

Group Leaders
Councillors John Kent and Robert Gledhill

Officers
David Bull – Interim Chief Executive
Sean Clark – Head of Finance
Ann Osola – Head of Highways
David Lawson – Monitoring Officer
Matthew Boulter – Principal Democratic Services Officer
Natalie Warren – Communities and Equalities Manager

1. Introduction

The Chief Executive outlined the principles of the meeting and explained who had been invited to attend and contribute. The meeting was informal and no decisions would be made although an official note would be taken for public record. All present agreed the approach was fair and that the proposed format of the Council meeting to be held in Hassenbrook School Hall on 26 August was agreeable.

Officers provided a brief overview of the issues to date and explained that following two Council run surveys, the majority of residents who had responded were in favour of a parish council. It was also stated that a parish council tax (precept) was collected on behalf of the parish council by Thurrock Council and this tax was not optional. The amount that residents would have to pay in parish precept would vary depending on the banding of the person's property and also their personal status including whether they were of non-working age, receiving benefits, single occupancy or they were a student among other factors. A Parish Council could raise as much money as it wished and would have the power to borrow money as well to invest in the community. These decisions would rest with the parish councillors. Members of the APCC stated the surveys had outlined that a universal precept could be applied to all residents and this was now shown not to be the case.

The Monitoring Officer informed the meeting that the council meeting on 26 August would decide on the future of a parish council based on community cohesion and better governance. The Council had the power to consider

alternatives such as a management company or a residents association. There was some discussion on the purchase of the roads and it was clarified that a frontager or management company could repair the road without the legal requirement to own the road. A parish council would need to own the road (under 'General Power of Competence') to undertake repairs as a corporate entity. If a Parish Council was to repair roads it would need to look to seek cost recovery from the frontagers in the first instance. If a parish council owned the road and repaired it, they could be liable for claims against them from any accidents incurred through the state of the road.

Officers stated there were no guarantees if a parish council was formed that roads would be repaired as the collection and spending of money would rest on the actions of the parish councillors and their decisions. The decision on the future of a parish council was postponed at March's Full Council meeting because the Council wished for clarity and harmony amongst the community.

The Chief Executive stated that officers had undertaken further research which suggested a Community Environmental Development Fund could be established to allow communities across Thurrock to apply for funds to improve community environments. This could include improvements to unadopted roads. All applications would be assessed using a set of criteria to make the system fair for all. Every year the list of applications could be reviewed by the portfolio holder and officers to award the funds. An aspect of the scheme would be for the communities to raise partial funds themselves to unlock the funding from the scheme. It was noted that the Frost Estate would need to compete with other communities in Thurrock for these funds but it would be in a favourable position if it could demonstrate it had raised some funds on its own initiative. It was speculated that the fund could be available as quickly as April 2016.

2. Comments by FERA

Representatives of FERA stated they had held their first public meeting three years ago where people had expressed their wish to repair the roads and their ward councillor and the MP had informed them that the best way to achieve this was through a parish council. They had been told that a management company would not have the requisite power.

They had acted openly ever since and had no intention of misleading people and they too were learning about the implications of collecting tax and road repairs as the issue had progressed this last year. They had acted in good faith and had originally excluded Lampitts Hill Avenue from their petition only to be told that it had to be included because it was part of the legal entity that was the Frost Estate. They felt, however, that a parish council was a fair way to collect money off everyone and asking for money privately was very difficult to achieve. FERA felt they wanted to secure the estate for the next fifty years and all residents would benefit financially from their properties by having good roads outside their house.

FERA felt it unfair that four properties that fronted Gifford's Crossroads should have the burden of paying for its repair as it was a commonly used junction that everyone used. FERA stated they had been wrongly advised that they could apply a uniform precept to all properties. They had based the original £100 precept figure on a quote from a contractor who had estimated £30-40,000 to repair the crossroads. They had also understood that they would need to buy the roads and obtain public liability insurance.

One representative of FERA felt the vote at March's Council meeting had fallen along political lines and in August he predicted they would vote against the parish council because they did not want to tackle the issue. The Chief Executive responded that no decision was certain and he would allow group leaders to speak at the end of the meeting.

FERA raised the issue of cycle routes and felt strongly that if two cycle routes could be provided through the estate at strategic points, it would solve the majority of the road repair issues. Officers confirmed that the two routes under question were on the long list of borough wide projects to be considered. Officers stressed that the cycle route funding was for cycle routes and not the general repair of the road and therefore the work would focus on verges over and above the roads. A representative of FERA thought that SusTrans guidance allowed for the routes to be on the road. Officers stated they could explore this shared use option and would speak with SusTrans to understand what options were viable. The Chief Executive added that this initiative could be used in conjunction with the proposed community fund.

FERA pointed out that accidents were happening on the estate regularly due to poor state of roads and pavements.

3. Comments by APCC

The APCC presented a petition against a parish council which contained nearly 300 signatures.

The APCC agreed with FERA that urgent actions were required to repair the roads but a parish council would take too long to establish to get the roads fixed. They felt FERA had not been underhand but they had been misled and highlighted that 47% of residents on the estate had not returned a survey response.

It was confirmed that the petition was signed by residents who had originally voted yes to a parish council and in the course of building the petition APCC felt that many residents were in favour of paying money to repair the Gifford Crossroads with a potential to then contribute to the repair of other major junctions moving forwards. This included residents on Lampitts Hill Avenue. APCC had received a quote to repair the crossroads for £14,000. It was suggested that money could be collected and held by Thurrock Council to ensure no fraudulent activity.

It was highlighted that people wanted to be given a choice to pay and not forced to pay and many residents did not have the money to spare to be forced to pay via a parish precept. A parish council precept would be higher for those properties that were on the roads that had already paid for their roads to be repaired. APCC thought this was not fair.

Discussion took place on how the boundary of the Estate was decided and it was confirmed the Council had received a petition asking for a community governance review and the boundary had been defined in this.

The APCC were not against FERA and felt they shared a passion for the Estate. There was a proven track record on the Estate that residents could band together to repair their particular roads and this should be pursued. The APCC stated they would be happy to work with FERA and the community to collect funds for the Gifford's Crossroads.

4. Group Leader Comment

Councillor Kent understood that the Council would face a difficult decision on 26 August and clarified that the Council had not already voted against a parish council in March but voted to postpone the decision for better information to be fed to the community. This vote had been a free vote where councillors had voted across party lines.

Councillor Gledhill confirmed that no whipping of Conservative party members had occurred in March and that the survey results from the community governance review could not be ignored. Councillor Gledhill added that he would be investigating a few of the issues raised at this meeting tomorrow at the Council and congratulated the residents on a mature discussion.

Councillor Jones felt that the public meetings should have happened earlier and if they had, he felt some of the issues and disagreements could have been avoided or resolved. The council wanted to bring the community together and not drive them apart. He had asked previously to see if the boundary of the proposed parish could be changed and he had been told it could not.

5. Ward Member Comments

All ward members present stated they would vote personally and not along party political lines on 26 August. Councillor Stewart hoped the community could talk with each other much more and explore options together. She highlighted that two quotes for crossroad repairs had been sourced and wondered whether a third could be found and the two groups work to agree the best option. The ward members felt that debate had been in good spirit and shown both groups in a good light.

It was stated by a resident that the community was cohesive; they just disagreed on how roads were to be repaired.

6. Conclusion

The Chief Executive expressed his view that the APCC and FERA should meet in private to discuss their shared interests and to see if the situation could be moved on collaboratively. This did not mean the debate on the parish council needed to stop. This new collaborative group could then inform him of their views which he could express at the council meeting on 26 August and which they could also raise through the public speaking section of the meeting. The Chief Executive was happy to attend this private meeting.

Both groups agreed to this proposal and FERA stressed that a long lasting group needed to exist to manage the interests of residents moving forward.

Councillor Kent was given the final comment and he asked the groups to use the 45 minutes public speaking section at the council meeting on 26 August to give councillors evidence of what they should decide.

The meeting finished at 8.07 pm

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**Petition received by the Council from residents in opposition to the proposed
Parish Council on the Frost Estate**

Details of petition:

There is no denying that some roads of the Frost Estate have fallen into a very poor state of dis-repair. In particular the cross roads on the junction of Central Avenue and Gifford's Cross Avenue.

While the majority of residents want to see this area brought up to an acceptable condition and maintain the character of the estate, there is a split in the opinion that a Parish Council is the correct way to address this issue.

We the undersigned want to identify an alternative solution to the Parish Council that has (as a result of the public meeting on the 15/06/2015) highlighted many issues including:

1. Road repair is not historically within a Parish Council's responsibility.
2. No confirmed precept costs
3. Precept costs linked to Council Tax banding – not equal across the estate!

Petition received: 12 August 2015

Number of Signatures: 298

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26 August 2015	ITEM: 7
Council	
Political Balance	
Wards and communities affected: None	Key Decision: Not Applicable
Report of: David Bull, Interim Chief Executive	
Accountable Head of Service: Fiona Taylor, Head of Legal & Democratic Services	
Accountable Director: David Bull, Interim Chief Executive	
This report is public.	

Executive Summary

This report requests the Council to confirm the calculations relating to the allocation of seats on committees following Councillor Colin Churchman ceasing to be a member of the UKIP group in the chamber as stated at Full Council on 22 July 2015.

1. Recommendation(s)

1.1 That the allocation of seats, as set out in Appendix 1 and 2.16, be approved.

2. Introduction and Background

2.1 Political Groups on the Council are formed in accordance with the Local Government (Committees and Political Groups) Regulations 1990 when two or more councillors notify the Chief Executive, as Proper Officer, of their wish to be treated as a group.

2.2 Section 15 of the Local Government and Housing Act 1989 imposes a duty on the local authority to agree political balance following a change in political group numbers as soon as possible after the changes have been made.

2.3 The following principles apply to the allocation of seats:

- (a) That not all the seats on the body to which appointments are being made are allocated to the same political group;
- (b) That the majority of seats on each committee are allocated to a particular group if the number of persons belonging to that group is a majority of the authority's membership;

- (c) That, subject to (a) and (b), when allocating seats to a political group, the total number of their seats across all the ordinary committees of the Council, must reflect their proportion of the authority's membership;
and
 - (d) Subject to (a) to (c), that the number of seats on each committee is as far as possible in proportion to the group's membership of the authority.
- 2.4 Sub-committees, with the exception of the Licensing Sub-Committee, are also governed by the political balance rules, but it is not necessary to add up all the sub-committee seats and then allocate them in proportion. As far as this is practicable, the allocation of seats on each sub-committee should reflect the proportional representation of the political groups on the Council.
- 2.5 The Local Government and Housing Act 1989 requires that, once the Council has determined the allocation of committee places between the political groups, the Council must then appoint the nominees of the political groups to the committees.
- 2.6 Any non-aligned members are to be appointed to available seats on committees by the Council.
- 2.7 The Cabinet and the Health and Wellbeing Board are not required to be proportional and so are outside of the political balance calculation. Likewise, the Council decided that the Joint Appointments Committee was not required to be proportional and so this too is also outside of the calculation.
- 2.8 The Leader of the Council appoints the Cabinet and, in accordance with the Terms of Reference.
- 2.9 It is open to the Council when carrying out a review to adopt some arrangement other than that prescribed by the Act and the Regulations. Notice of such a proposal would have to be given in the Summons, and a decision would need to be made with no one voting against it. The remainder of this report therefore assumes that the Council will not want an alternative arrangement to that prescribed by law.

Political proportionality

- 2.10 The political balance of the Council can be calculated by using the simple formula below (to two decimal places):

$$\frac{\text{No. of Group Members} \times 100}{49}$$

2.11 Following the change in political group membership on 22 July 2015, the political balance of the Council set out in Table 1 below:

Group	Councillors	%
Labour	18	36.74%
Conservative	17	34.69%
UKIP	11	22.45%
Ungrouped	3	6.12%
Total	49	100

2.12 The calculation to determine the strict entitlement of political groups to seats on committees is as follows:

$$\frac{\% \text{ from Table 1}}{100} \times \text{Total No. of seats available (81 seats)}$$

This equates to the following seat allocations:

- Labour 30 seats
- Conservative 28 seats
- UKIP 18 seats
- Independent 5 seats

2.13 In order to ascertain the number of seats to be allocated to political groups on each committee, the following calculation is required to be undertaken:

$$\frac{\% \text{ from Table 1}}{100} \times \text{No. of committee places available}$$

2.14 After applying the above calculation to each of the committees, the following results can be seen:

(a) 6 member committee – applies to all **Overview & Scrutiny committees and the Standards & Audit Committee**

- Lab 36.74 / 100 x 6 = 2.20 = **2 seat(s)**
- Con 34.69 / 100 x 6 = 2.08 = **2 seat(s)**
- UKIP 22.45/ 100 x 6 = 1.35 = **1 seat(s)**
- Ind 6.12/ 100 x 6 = 0.38 = **0 seat(s)**

From the calculations set out above, a manual adjustment is required, as explained in paragraph 3.9 of this report.

(b) 7 member committee – applies to the **General Services Committee**

• Lab	$36.74 / 100 \times 7 =$	2.57	=	3 seat(s)
• Con	$34.69 / 100 \times 7 =$	2.43	=	2 seat(s)
• UKIP	$22.45 / 100 \times 7 =$	1.57	=	2 seat(s)
• Ind	$6.12 / 100 \times 7 =$	0.43	=	0 seat(s)

(c) 8 member committee – applies to the **Corporate Parenting Committee**

• Lab	$36.74 / 100 \times 8 =$	2.94	=	3 seat(s)
• Con	$34.69 / 100 \times 8 =$	2.78	=	3 seat(s)
• UKIP	$22.45 / 100 \times 8 =$	1.80	=	2 seat(s)
• Ind	$6.12 / 100 \times 8 =$	0.49	=	0 seat(s)

(d) 9 member committee – applies to the **Planning Committee**

• Lab	$36.74 / 100 \times 9 =$	3.31	=	3 seat(s)
• Con	$34.69 / 100 \times 9 =$	3.12	=	3 seat(s)
• UKIP	$22.45 / 100 \times 9 =$	2.02	=	2 seat(s)
• Ind	$6.12 / 100 \times 9 =$	0.55	=	1 seat(s)

(e) 15 member committee – applies to the **Licensing Committee**

• Lab	$36.74 / 100 \times 15 =$	5.51	=	6 seat(s)
• Con	$34.69 / 100 \times 15 =$	5.20	=	5 seat(s)
• UKIP	$22.45 / 100 \times 15 =$	3.37	=	3 seat(s)
• Ind	$6.12 / 100 \times 15 =$	0.92	=	1 seat(s)

2.15 **Appendix 1** shows a rounded allocation of seats to each political group. This is then required to be manually adjusted to ensure that the number of seats allocated to a particular political group matches and does not exceed their entitlement.

2.16 From the figures set out in **Appendix 1**, the following manual adjustments are required:

- UKIP are required to allocate **2** seats across Overview and Scrutiny Committees and/or the Standards & Audit Committee.
- Labour are required to allocate **1** seat across Overview and Scrutiny Committees and/or the Standards & Audit Committee.
- Conservatives are required to allocate **1** seat across Overview and Scrutiny Committees and/or the Standards & Audit Committee.

2.13 Those members who are not members of political groups have no legal entitlement to an allocation of seats on committees. However, the political groups are entitled to their proportion of seats and once their entitlement has been reached, the remaining seats may be filled by members not belonging to a political group. Such Members are classed as being non-aligned.

2.14 The LGA Independent Group has taken the view that in the true spirit of the Act, that morally or democratically, non-aligned councillors are entitled to fair representation. Groups are not entitled to have more than their share and thus they cannot exclude councillors that are not grouped i.e. single party councillors or non-aligned Independent councillors. For example in an authority of 49 councillors with one non-grouped councillor, the council must make 1/49 of the places available.

3. Reasons for Recommendation

3.1 The Council is required to make the required appointments to those committees that have been established to facilitate the efficient discharge of its functions.

5. Consultation (including Overview and Scrutiny, if applicable)

5.1 Consultation has been undertaken in respect of this report with the Leaders of each of the political groups represented on the Council. Their agreement has been obtained to the calculations relating to the allocation of seats on committees and their respective nominations are put before Council for approval.

6. Impact on corporate policies, priorities, performance and community impact

6.1 Appointing members to those committees established at Agenda Item 11, in accordance with the political balance of the Council and associated allocation of seats on committees, will enable the Council to properly discharge its functions.

7. Implications

7.1 Financial

Implications verified by: **Mike Jones**
Management Accountant

The cost of servicing these committees will be met through the existing budgets.

7.2 Legal

Implications verified by: **David Lawson**
Monitoring Officer

These are set out in the body of the report.

7.3 Diversity and Equality

Implications verified by: **Rebecca Price**
Community Development Officer

The Council is under a statutory duty to ensure that equality and diversity is a key part of the decision making process of the Council. Therefore, attention is drawn to the importance of ensuring that appointments to committees are underpinned by appropriate training on the statutory equality framework. The introduction of essential member training provides the assurance that members of committees will be able to fulfil their obligations with a full understanding of equality and diversity issues. This is fundamental to the Council being able to meet its statutory responsibilities. However, consideration must be given to members not completing the training or not attending, and the steps to be taken in these circumstances, once the member has been appointed.

7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None.

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- None.

9. Appendices to the report

There are the following appendices to this report:

- **Appendix 1** – Allocation of seats.

Report Author:

Matthew Boulter
Principal Democratic Services Officer
Legal and Democratic Services

Thurrock Council
**No-Majority
 Proportionality**

Party Group	Committee	Size of Committee	Conservative		Labour		UKIP				Ungrouped / Seats to allocate	Total
			Strict entitlement	Rounded Entitlement	Strict entitlement	Rounded entitlement	Strict entitlement	Rounded entitlement	Strict entitlement	Rounded entitlement		
Number of members			17		18		11		0		3	49
Overall proportionality			0.346938776	34.69%	0.367346939	36.73%	0.224489796	22.45%	0	0.00%		
Total strict entitlement			28.10204082		29.75510204		18.18367347		0			
Total rounded entitlement			28		30		18		0		76	5
Children's O&S	6	6	2.08	2	2.20	2	1.35	1	0.00	0	5	1
Cleaner & Greener O&S	6	6	2.08	2	2.20	2	1.35	1	0.00	0	5	1
Corporate O&S	6	6	2.08	2	2.20	2	1.35	1	0.00	0	5	1
Health O&S	6	6	2.08	2	2.20	2	1.35	1	0.00	0	5	1
Housing O&S	6	6	2.08	2	2.20	2	1.35	1	0.00	0	5	1
Planning, Transport & Regeneration O&S	6	6	2.08	2	2.20	2	1.35	1	0.00	0	5	1
Planning	9	9	3.12	3	3.31	3	2.02	2	0.00	0	8	1
Licensing	15	15	5.20	5	5.51	6	3.37	3	0.00	0	14	1
General Services	7	7	2.43	2	2.57	3	1.57	2	0.00	0	7	0
Corporate Parenting	8	8	2.78	3	2.94	3	1.80	2	0.00	0	8	0
Standards & Audit	6	6	2.08	2	2.20	2	1.35	1	0.00	0	5	1
Total seats	81			27		29		16		0	72	9
Adjustments				1		1		2		0		

Notes:

- 1 The total rounded entitlement of each party group is compared with the total number of seats allocated to that group. The allocations are then adjusted manually to ensure that the number of seats allocated to a particular group matches their entitlement.
- 2 Compare total rounded entitlement of each party group (Row 7) with the total number of seats allocated to that group in Row 20. Then adjust the allocations manually to ensure that the number in Row 20 matches that in Row 7

QUESTIONS FROM MEMBERS OF THE PUBLIC

No questions from members of the public were received.

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