

Minutes of the Meeting of the General Services Committee held on 10 December 2014 at 5.30 pm

Present: Councillors John Kent (Chair), Robert Gledhill (Vice-Chair), Chris Baker, Mark Coxshall, James Halden, Barbara Rice and Lynn Worrall

In attendance:
Graham Farrant, Chief Executive
Roger Harris, Director of Adults, Health and Commissioning
David Lawson, Deputy Head of Legal and Deputy Monitoring Officer
Natalie Warren, Community Development and Equalities Manager
Steve Jones, Democratic Services Manager

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.

5. Minutes

The Minutes of the General Services Committee, held on 26 June 2014, were approved as a correct record.

6. Items of Urgent Business

The Chair informed the Committee that he had not agreed to the consideration of any items of urgent business.

7. Declarations of Interests

There were no declarations made.

8. Frost Estate Community Governance Review

The Democratic Services Manager introduced the report, which set out the various duties the Council had to comply with when undertaking a Community Governance Review, together with the results of the first consultation exercise with registered electors of the Frost Estate.

Members were informed that additional legal advice from James Findlay QC had been received. A copy of this was circulated at the meeting for Members' consideration.

The Committee then took some time to read the document that had been circulated at the meeting.

Members were informed that from the initial consultation, a total of 357 responses had been received, which represented 49.93% of the total electorate, and that:

- 299 respondents had 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%) had indicated a preference for no change to the current arrangements; and
- 6 respondents (1.68%) had indicated a preference for alternative arrangements, although what was included could not be considered as being alternative forms of governance.

The Committee were informed that each of the possible services a new parish council could provide had been ranked in order of the importance that had been placed on them by the local electors and that this was set out in the table at paragraph 3.11 of the report. Members were further informed that appendices 2 to 5 set out the responses to the questionnaire in greater detail, and also included comments made by respondents in respect of the benefits and disadvantages of a parish council, together with other comments and observations they wished the Committee to take into consideration.

Members were advised that it was clear that a major factor in both the request for a parish council to be established and the responses to the questionnaire that were submitted was the repair and maintenance of the roads on the Frost Estate and that the additional legal advice that was circulated addressed the issue of the maintenance of private roads by a parish council.

Members were further advised that in order to recommend the creation of a parish council for the Frost Estate, the Committee should:

- Take into account the results of the survey;
- Consider the advice from James Findlay QC that has been circulated;
- Be satisfied that such a body would reflect the identities and interests of the community in that area, and would be effective and convenient.

The Committee were informed that on the final point, assistance had been provided by James Findlay QC, with this being set out at paragraphs 12 to 19 of the written advice that had been circulated. It was reported that this was a matter for Members to consider and that it related to issues of judgement rather than law.

When considering the report and the recommendations that could be made, a number of Members spoke and raised the following points:

- Clarification was sought in respect of the term “general highways” that was used in the advice from James Findlay QC. The Deputy

Head of Legal & Democratic Services informed the Committee that the QC used had used the term “highways” to refer to an adopted road. Members were further advised that the QC then considered private roads and the possibility of a parish council purchasing these from the Crown.

- With 83% of respondents wishing to see a parish council being created, the Committee have to listen and would be foolish to ignore this.
- The Council needed to carefully consider what information it should send to residents to help with the decision they would be asked to make in the next phase of consultation.
- Any information to be sent to residents should not scare them and nor should it tie the hands of a parish council.
- The potential services of a parish council that the public ranked as low were services that could not be done on the Frost Estate.
- Members could not assume that the issue of roads was the only driver behind the request for a parish council to be created, as the responses to the survey showed that crime and disorder was the second highest priority of residents.
- Whether residents could be given an idea of the likely costs to repair the roads on the estate. The Chief Executive advised the Committee that he had asked for differential costs to be provided, as a parish council was more likely to be able to carry out repairs at a lower cost than the Council could, as they did not have to do the works to the same standard. It was suggested that Officers could liaise with the Residents Association in respect of the standard of repairs to the roads on the Estate and produce costings on this basis
- A 50% response rate was better than most local elections.
- Any figures provided should be for a standard of repair that the residents of the Frost Estate wanted.
- Whether a parish council could recover the costs of any repairs to the roads on the estate from the frontagers. The Deputy Head of Legal & Democratic Services informed the Committee that for private roads, the obligations for repair fell to the frontagers. Members were further advised that if a new parish council were to buy the roads from the Crown and if they had the General Power of Competence, they could repair the roads, but they should have regard to approaching the frontagers and making reasonable efforts to recover their costs. Finally, Members were informed that a parish council could also step in and make repairs to the roads if required.
- The implications of setting up a new parish council, such as the need to have a parish clerk, should be provided to residents.
- What would happen to any assets and liabilities of a parish council if it ceased to exist? Members were informed that a parish council could not be wound up in the same way as a commercial enterprise and that this could only happen following a further Community Governance Review. It was reported that in the event of a Review

recommending abolition, the assets and liabilities of the parish council would pass to Thurrock Council.

- Could Thurrock Council still charge a precept for the area if the parish council was to fail? The Deputy Head of Legal & Democratic Services informed Members that this could not happen.

Members were informed that the likely costs involved in repairing roads on the estate could be provided as part of the information that was scheduled to be sent to residents as part of the consultation on the draft recommendations of the Committee. The Committee were of the view that the information to be provided to residents should be easy to understand and brutally honest in terms of the likely costs they could face.

The Committee discussed the potential size of the proposed parish council. It was suggested that this could be 7 parish councillors, to reflect the minimum size recommended by the National Association of Local Councils. A Member then suggested that this could be 10 parish councillors, to reflect the number of people that had volunteered to be involved in the Residents Association.

The Committee indicated a preference for an odd number of councillors, rather than an even number, whereupon it was proposed by Councillor Halden:

“That the number of parish councillors should be 9”.

Members indicated their agreement to this proposal.

The Chair then moved to the recommendations set out in the report and advised Members that specific wording had also been circulated at the meeting to cover recommendation 1.3, should the Committee be minded to agree to recommend the creation of a new parish council.

In respect of recommendation 1.3, it was proposed that the wording circulated be used, that a parish council be established and that this should comprise 9 parish councillors.

Members indicated their agreement to the proposal, along with the remainder of the recommendations included in the report and on the document circulated.

It was then proposed by the Chair and seconded by Councillor Gledhill:

“That the additional information to be circulated to residents of the Frost Estate, alongside the next phase of consultation, should be agreed by members of the General Services Committee by email before to being sent out.”

The Committee indicated their agreement to this proposal.

RESOLVED:

- 1. That the results of the consultation with residents of the Frost Estate be noted.**
- 2. That the results of the consultation be published on the Council's website.**
- 3. That pursuant to Section 93 of the Local Government and Public Involvement in Health Act 2007, the Department for Communities and Local Government Guidance for the Conduct of Community Governance Reviews, and, having received a valid petition signed by the required number of electors calling for the constitution of a new Neighbourhood Council for the area of the Frost Estate which triggered the Community Governance Review process, it be noted that the Committee have taken the following into account:**
 - (i) the petition;**
 - (ii) the results of the consultation with the electors;**
 - (iii) the legal advice contained within the report and circulated at the meeting; and**
 - (iv) 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.**
- 4. The General Services Committee recommend 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.**
- 5. That the new Parish Council be called The Frost Estate Neighbourhood Council.**
- 6. That in the proposed area of the Parish Council, the number of Councillors to serve on the new Frost Estate Neighbourhood Council should be 9.**
- 7. That the first year of elections to the new Neighbourhood Council should be 2015.**
- 8. That the aforementioned recommendations of the General Services Committee in respect of the future governance arrangements for the Frost Estate form the basis of the second stage of public consultation with local electors, stakeholders and other interested parties.**
- 9. That the additional information to be circulated to residents of the Frost Estate, alongside the next phase of consultation, should be**

agreed by members of the General Services Committee by email before to being sent out.

- 10. That a report be brought to Council in March 2015 in order that a final decision may be made in respect of the Community Governance Review and the future governance arrangements for the Frost Estate.**

9. Arrangements for the Recruitment of the Director of Public Health

The Director of Adults, Health and Commissioning introduced the report, which requested the Committee to consider and agree to the proposed arrangements for the recruitment to the post of Director of Public Health.

Members were informed that the appointment panel did not need the full General Services Committee, as it had to involve a number of others from the CCG and the Public Health Faculty.

When considering the report and the recommendations, a number of Members spoke and raised the following points:

- The Council should have a full-time Director of Public Health because from 2016, additional responsibilities for children from 0 to 5 would be taken on and work with the CCG was require to ensure that the Better Care Fund would work for Thurrock.
- Concern was expressed that a full-time role would be an additional drain on the tax payer.
- From reading the report, some Members could not see why a full-time role was needed and had not been aware of the additional duties that would be taken on, until advised of these at the meeting.
- A Member asked about the position of Southend if the current shared arrangement was coming to an end in March 2015.

The Director of Adults, Health and Commissioning advised Members that the current post holder did not wish to continue in the shared role from 1 April 2015 and so there was no option to share with Southend. It was reported that Thurrock would not have a Director of Public Health, unless an alternative arrangement was put in place.

Members were informed that the Council had looked at alternatives to a full-time post but that there did not appear to be a viable alternative.

In respect of the extra costs of a full-time Director of Public Health, Members were informed that a consultant post was currently vacant and if a clinician was appointed as Director of Public Health, the Council may not need as many consultant hours.

A Member queried whether the Council had not appointed to the consultant post because it was unable to recruit to a full-time post and asked whether, once a full-time Director of Public Health had been appointed, the Council

would also look to appoint a full-time consultant and so have less money in the public health budget. The Director of Adults, Health and Commissioning advised Members that, nationally, it was difficult to appoint full-time consultants as most had chosen to work for Public Health England and continued to work in the clinical world of the NHS. It was reported that if the Council was lucky, it would appoint a clinician as its new Director of Public Health.

When considering recommendation 1.3, a Member suggested that this could be amended to include the words “or nominees” to reflect the issue raised by the Director of Adults, Health and Commissioning regarding the potential size of the interview panel.

The Committee indicated their agreement to the recommendations in the report, as amended at the meeting.

RESOLVED:

- 1. That the appointment process, as set out in the report, be confirmed.**
- 2. That the appointment of Penna to undertake an external assessment of shortlisted candidates be agreed.**
- 3. That the General Services Committee, or nominees, be the appointment panel for the post of Director of Public Health (alongside any requirements of the Faculty of Public Health and Public Health England) with the final recommended candidate being endorsed at full Council on 25 February 2015.**

The meeting finished at 6.30 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**