



## 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](mailto: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 £54.01<sup>1</sup> 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

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<sup>1</sup> 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](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 legislation<sup>2</sup>. 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

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<sup>2</sup> *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 five<sup>3</sup>. 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 council<sup>4</sup>. 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 council<sup>5</sup>. 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.

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<sup>3</sup> Section 16 (1) of the Local Government Act 1972

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

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

<sup>5</sup> 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 legislation<sup>6</sup>. A borrowing approval will be given by the Secretary of State<sup>7</sup> 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.

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<sup>6</sup> Schedule 1, Local Government Act 2003 - <http://www.legislation.gov.uk/ukpga/2003/26/schedule/1>

<sup>7</sup> 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.