

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

Council

To the Members of Thurrock Council

The next meeting of the Council will be held at **7.00 pm** on
10 September 2014

**Council Chamber, Civic Offices, New Road, Grays, Essex, RM17
6SL.**

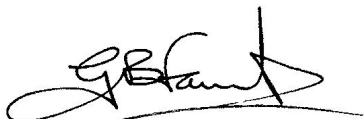
Membership of the Council:

Steve Liddiard (Mayor)
Sue Gray (Deputy Mayor)


Chris Baker
Jan Baker
Clare Baldwin
Mark Coxshall
Charles Curtis
Tony Fish
Oliver Gerrish
Robert Gledhill
Yash Gupta (MBE)
Garry Hague
James Halden
Shane Hebb
Terence Hipsey
Victoria Holloway
Barry Johnson
Roy Jones

Tom Kelly
John Kent
Cathy Kent
Martin Kerin
Charlie Key
Aaron Kiely
Brian Little
Susan Little
Sue MacPherson
Ben Maney
Val Morris-Cook
Tunde Ojetola
Maggie O'Keeffe-Ray
Bukky Okunade
Barry Palmer
Maureen Pearce

John Purkiss
Robert Ray
Joycelyn Redsell
Barbara Rice
Gerard Rice
Andrew Roast
Susan Shinnick
Philip Smith
Graham Snell
Richard Speight
Michael Stone
Pauline Tolson
Simon Wootton
Lynn Worrall



Graham Farrant
Chief Executive



Councillor Steve Liddiard
Mayor of Thurrock

Agenda

Open to Public and Press

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1	Apologies for absence	
2	Minutes	7 - 20
	To approve as a correct record the Minutes of the meeting of the Council, held on 23 July 2014.	
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	Tribute to Councillor Andy Smith	21 - 26
6	Announcements on behalf of the Mayor or the Leader of the Council	
7	Questions from members of the public	27 - 28
8	Petitions	
	To receive petitions from members of the public and councillors, in accordance with Chapter 2, Part 2 (Rule 14) of the Council's Constitution.	
9	Update in respect of petitions presented at Full Council and council offices during the previous 6 months	29 - 32
10	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.	

11 Frost Estate Community Governance Review 33 - 56

12 To receive reports from Cabinet Members 57 - 66

The report of Councillor Barbara Rice, Cabinet Member for Adult Social Care & Health, is enclosed.

13 Questions from Members 67 - 68

14 Reports from Members representing the Council on outside bodies

15 Minutes of committees

Name of Committee	Date
Children's Services Overview and Scrutiny Committee	18 March 2014
Housing Overview and Scrutiny Committee	2 April 2014
Planning Committee	19 June 2014
Corporate Overview and Scrutiny Committee	20 March 2014
Health and Well-being Overview and Scrutiny Committee	11 March 2014
Planning, Transport and Regeneration Overview and Scrutiny Committee	4 March 2014
Cleaner, Greener and Safer Overview and Scrutiny Committee	4 February 2014
Planning Committee	17 July 2014

16 Update on motions resolved at Council during the previous year 69 - 76

17 To consider motions from Members in the order in which they were submitted 77 - 84

In accordance with Chapter 2, Part 2 (Rule 15) 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:

19 November 2014, 28 January 2015, 25 February 2015, 25 March 2015.

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

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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.

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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 should connect to TBC-CIVIC
- Enter the password **Thurrock** to connect to/join the Wi-Fi network.
- A Terms & Conditions page should appear and you have to accept these before you can begin using Wi-Fi. Some devices require you to access your browser to bring up the Terms & Conditions page, which you must accept.

The ICT department can offer support for council owned devices only.

Evacuation Procedures

In the case of an emergency, you should evacuate the building using the nearest available exit and congregate at the assembly point at Kings Walk.

How to view this agenda on a tablet device



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, although a limited number of charging points will be available in Members Services.

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 A2 Mover speaks A3 Seconded A4 Seconder speaks or reserves right to speak		[Rule 19.2] [Rule 19.8(a) (5 minutes)] [Rule 19.2] [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		

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 aspirations and attainment so that local residents can take advantage of job opportunities in the local area
- Support families to give children the best possible start in life

2. Encourage and promote job creation and economic prosperity

- Provide the infrastructure to promote and sustain growth and prosperity
- Support local businesses and develop the skilled workforce they will require
- Work with communities to regenerate Thurrock’s physical environment

3. Build pride, responsibility and respect to create safer communities

- Create safer welcoming communities who value diversity and respect cultural heritage
- Involve communities in shaping where they live and their quality of life
- Reduce crime, anti-social behaviour and safeguard the vulnerable

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
- Empower communities to take responsibility for their own health and wellbeing

5. Protect and promote our clean and green environment

- Enhance access to Thurrock’s river frontage, cultural assets and leisure opportunities
- Promote Thurrock’s natural environment and biodiversity
- Ensure Thurrock’s streets and parks and open spaces are clean and well maintained

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Minutes of the meeting of Council held on 23 July 2014 at 7.00pm

- Present:** Councillors Steve Liddiard (Mayor), Sue Gray (Deputy Mayor), Chris Baker, Jan Baker, Clare Baldwin, Mark Coxshall, Charles Curtis, Tony Fish, Oliver Gerrish, Robert Gledhill, Yash Gupta, James Halden, Shane Hebb, Victoria Holloway, Barry Johnson, Roy Jones, Tom Kelly, Cathy Kent, John Kent, Martin Kerin, Charlie Key, Brian Little, Sue Little, Sue MacPherson, Ben Maney, Maggie O’Keeffe-Ray, Bukky Okunade, Barry Palmer, Maureen Pearce, John Purkiss, Robert Ray, Joy Redsell, Barbara Rice, Gerard Rice, Andrew Roast, Sue Shinnick, Andy Smith, Philip Smith, Graham Snell, Richard Speight, Michael Stone, Simon Wootton and Lynn Worrall.
- Apologies:** Councillors Garry Hague, Terry Hipsey, Val Morris-Cook, Tunde Ojetola and Pauline Tolson.
- In attendance:** Steve Cox – Assistant Chief Executive
Barbara Brownlee – Director of Housing
David Bull – Director of Planning and Transportation
Carmel Littleton – Director of Children’s Services
Roger Harris – Director of Adults, Health and Commissioning
Sean Clark – Head of Corporate Finance
Jackie Hinchliffe – Head of HR, OD and Customer Strategy
David Lawson – Deputy Head of Legal and Democratic Services
Steve Jones – Democratic Services Manager
Stephanie Cox – Senior Democratic Services Officer
-

The Mayor informed all present that the meeting may be filmed and was being recorded, with the audio recording to be made available on the Council’s website.

13. Minutes

The Minutes of the Annual Meeting of the Council, held on 11 June 2014, were approved as a correct record.

14. Items of Urgent Business

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

15. Declaration of Interests

Councillor Gledhill advised the Chamber that he had received emails from both Firemen and the FBU and declared that he retained an open mind in respect of Agenda Item 18, Motion 2.

Councillor Cathy Kent declared a non-pecuniary interest in respect of Agenda Item 18, Motion 2, as she was a representative of the Council on Essex Fire Authority.

Councillor Kelly declared a non-pecuniary interest in respect of Agenda Item 18, Motion 2, as he was a representative of the Council on Essex Fire Authority.

Councillor Roast declared a non-pecuniary interest in respect of Agenda Item 14, question 4, as he was a Director of a company that sponsored a roundabout in Thurrock.

16. Announcements

The Mayor asked Members to reflect on the loss of the 298 Malaysia Airlines passengers in the Ukraine.

The Mayor sent his best wishes to a young soldier from Tilbury who was due to depart to Afghanistan.

The Mayor informed the Chamber that the Council had recently won a national award from the Royal Town Planning Institute and asked Councillor A. Smith, Cabinet Member for Regeneration, Highways and Transportation to present the award.

Councillor A. Smith informed the Chamber that the Council had recently won an award for 'Outstanding Planning to Deliver Growth and Employment' by the Royal Town Planning Institute. He congratulated the Director of Planning & Transportation, the Head of Planning & Growth, Planning & Transportation and officers for their hard work and also for the contributions of those Members on the Planning Committee. He felt that this was a great honour and emphasised that thousands of jobs were being created in Thurrock due to the efforts of the Planning Service and Committee.

The Leader congratulated the work of primary schools in Thurrock for their Key Stage 2 successes, the results of which had been recently released. He reported that Thurrock was continuing to make improvements in primary education, and the provisional results noted significant improvements in reading, writing and maths. It was reported that:

- The percentage of children achieving the expected level in reading, writing and maths combined had increased from 72.3% to 76.8% which demonstrated that Thurrock was closing the gap with the national average.
- There had been a significant improvements in those achieving a higher level (level 5 and above) and that overall reading and writing had improved by 6% and 5% retrospectively.
- Benyon Primary School was up 42% from level 4+ in all 3 areas to 70.4%
- Stifford Clays Primary had increased from 60.7% to 82.6%

- Horndon-on-the-Hill had increased from 68% to 89%
- Thameside Primary had increased from 58% to 76%.

The Leader congratulated head teachers, teachers, staff and the children in their achievements and the impressive improvements and looked forward to seeing whether the GCSE and A-Level results had made the same level of improvement when the results would be released in the coming months. He informed the Chamber that these successes would be celebrated by the Thurrock Education Awards which was to be held in the autumn.

17. Questions from Members of the Public

A copy of the transcript of questions and answers can be viewed on CMIS at <http://democracy.thurrock.gov.uk/thurrock>

18. 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 one member of the public that they wished to present a petition at the meeting.

Mrs Chaplin presented her petition to the Chamber, which called for Thurrock Council to consider the use of space at Defoe Parade, Chadwell St. Mary, for the purpose of a weekly market to include any Farmer's markets and French market. She felt that this would offer good value for money for the local community.

19. 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.

20. 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 informed the Chamber that he wished to make the following changes:

- for Councillor Shinnick to replace Councillor Phil Smith as a member of the Licensing Committee.
- for Councillor Gray to be appointed as a substitute member of the Corporate Overview and Scrutiny Committee.

The Leader of the Opposition informed the Chamber that he wished to make the following changes:

- for Councillor Ojetola to replace Councillor Hebb as a member of the Health and Wellbeing Board.
- for Councillor Ojetola to replace Councillor Kelly as a member of the Planning Committee.

The leaders of both the UKIP Group and the Independent Group confirmed that they did not wish to make any changes to appointments that had previously been made.

RESOLVED:

- 1. That Councillor Shinnick be appointed as a member of the Licensing Committee to replace Councillor Phil Smith.**
- 2. That Councillor Gray be appointed as a substitute member of the Corporate Overview and Scrutiny Committee.**
- 3. That Councillor Ojetola be appointed as a member of the Health and Wellbeing Board to replace Councillor Hebb.**
- 4. That Councillor Ojetola be appointed as a member of the Planning Committee to replace Councillor Kelly.**

21. Annual Overview and Scrutiny Report 2013-14

The Mayor informed the Chamber that the report introduced the Overview and Scrutiny Annual Report for 2013-14, which in accordance with the Council Constitution was to be presented to the Council.

Councillor Halden echoed the comments made within the report by Councillor Curtis and commended the good work and legacy of Councillor Hale. He also thanked Councillor Gupta for his kind words in relation to Health Overview and Scrutiny. However, he raised concerns regarding the Call-In process and made the following key comments:

- That the Constitution did not lend itself to flexibility.
- Questioned why officers discerned the validity of a call-in and not Members.
- He felt that Members had the right to debate in full savings proposals and that they should not just be referred to Overview and Scrutiny Committees.
- He wanted to reform the process to ensure all Members had the right the debate the savings proposals in full, and not just Cabinet Members.

Councillor G. Rice stated that this process would normally be dealt when the constitution was reviewed by a panel of Members, as proportional to each political party. He felt that was the proper forum in which these discussions should take place.

RESOLVED:

That the contents of the Overview and Scrutiny Annual Report 2013-14 be noted.

22. Adoption of legislation to allow for improved regulation of acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis within Thurrock.

The Mayor informed the Chamber that this item had been withdrawn and that it would be brought back to a future meeting of the Council.

Councillor Gledhill welcomed the withdrawal of the report and asked that this be considered by the Licensing Committee before it is brought back to the Council.

23. The Frost Estate Community Governance Review.

The Mayor informed the Chamber that the report was for information and that it advised Members that a petition had been received to request that a Community Governance Review be undertaken, with the aim of establishing a Parish Council.

Members were informed that the report identified that an issue needed to be resolved before a Review could be progressed and a further report would come back to the next meeting of the Council in September.

Councillor Wootton highlighted to the Chamber that the petition was submitted on 21 February 2014 but that the report had only been referred to Council for 23 July 2014. He understood that officers were seeking external advice but felt that the delay of over 6 months was unacceptable. He commended the work of the community in coming together to submit the proposal and felt that more should be done to support residents in their efforts.

Councillor Coxshall provided some background to the report and expressed his disappointment that the Chief Executive was not in attendance. He stated that he was in attendance at the public meeting on the 21 February 2014 and the Chief Executive promised that this would be actioned, he felt that the report did not need to be referred to Council and believed that unnecessary delay and bureaucracy was being caused.

Councillor Coxshall explained that over 50% of his Constituents had signed the petition for a Community Governance Review and that they had been given £10,000 from Central Government to pursue this. He advised Members that he would be encouraging his residents to pursue the matter in court in order to develop the proposal in a timely manner and encouraged other residents in Thurrock to examine options to develop Parish Councils so as to move away from what he believed was unnecessary bureaucracy from the Council.

Councillor Coxshall indicated that he did not agree with the recommendation contained within the report.

All other Members voted in favour, whereupon the chair declared the recommendation to be carried.

RESOLVED:

That the Council note the contents of the report and the progress to date.

24. Report of the Cabinet Member for Finance & Education

The Mayor informed Members that the report of the Leader of the Council did not include the education aspect of his portfolio and that this was scheduled to be reported to the Council later in the year.

The Mayor further informed Members of a typographical error on page 106 of the Agenda which could be found under the 2013-14 column, in the Community Assets section, the number of historic buildings should have read "2", and not as printed.

Members received a report from Councillor John Kent, Leader of the Council and Portfolio Holder for Finance and Education, and were then invited to put questions.

Members questioned the Portfolio Holder and received responses on the following matters:

- Councillor Gledhill noted that interest was being saved by borrowing on short term loans rather than long term fixed loans, and stated that the Council was saving somewhere in the region of £2 - £4 million. He asked specifically where this money was being spent and whether it was being put into services rather than one-off projects to save money in the future.

The Cabinet Member advised the Chamber that it was the intention of the scheme to rebuild reserves so that day-to-day revenue did not have to be allocated to reserves. He assured Members that all the money that was now being saved from the scheme was being used for revenue services.

- Councillor Halden observed that a £1 million saving had been factored in the budget through reducing the Council's dependency on external fostering placements. He wholeheartedly supported this proposal but remarked that although the Council's permanency figures for retaining foster carers in the Borough was impressive, the figures for recruiting new foster carers were not as impressive, which suggested that the burden of foster care placements would remain on the more expensive external placements. As a result he asked the Cabinet Member what

he was planning to do to monitor this to ensure that the savings would be delivered.

The Cabinet Member stated that progress would be monitored through regular reports to Cabinet from the Portfolio Holder and to the relevant Overview and Scrutiny Committee.

- Councillor Johnson remarked that the Leader promised that he would take a Zero Based Budgeting approach in 2010; however he felt that the budget was still being salami sliced and that the principles had not applied. He questioned what had been the fundamental change in the budget setting process and called for the Cabinet Member to fulfil his promise to deliver Zero Based Budgeting.

In response, the Cabinet Member stated that some of the principles of Zero Based budgeting were used in the budget setting process, however he felt that the full use of the Zero Based Budgeting approach did not work in the Local Authority setting. He observed that vulnerable children and adults needed to be protected and that Zero Based budgeting was not needed to realise this. He remarked in that the 6 years of the Conservative Administration they also did not use the Zero Based budgeting approach and expressed a view that this was because they were also aware it did not work in the Local Government environment.

- Councillor Purkiss asked for a report to be prepared on Garages in Thurrock and felt that if they were realistically priced the Council could generate further income.

The Cabinet Member stated that this could be investigated by the Cabinet Member for Housing as Garages were built on Housing land, however he observed that garage sites were being used wherever possible, for example in Seabrooke Rise new homes and assets were being built on the site. He requested that the Cabinet Member for Housing to discuss with Councillor Purkiss if he had any specific sites in mind in order to maximise these assets.

- Councillor P. Smith asked for clarification of the localisation of the business rates scheme which had been portrayed as a way of giving Council's extra funding. He asked how this would affect Thurrock in the years ahead.

In response the Cabinet Member explained that Business Rate localisation was complicated, but in broad terms Central Government had agreed that 50% of any new business rates raised will go back into Local Government. It was reported that this process had begun in 2012 and government had assessed the amount of business rates needed to deliver services, following which it was anticipated that Thurrock required £29 million. It was explained that every rate over that amount was subject to levies and charges to take the money away from

Thurrock and give back into areas that were not experiencing the same volume of growth. This meant that Thurrock kept approximately 29% of new business rates received instead of 50% and had to contribute 50% to any business rate loss, which included £2.5 million from the closure of Tilbury Power Station.

- Councillor Redsell questioned which sport clubs had been assisted in the transfer of recreational land and how much they had benefited from the transfers.

The Cabinet Member remarked that Aveley Football Club was being offered assistance to relocate to Belhus but he did not have more detailed figures available, however he stated that he would provide this information following the meeting.

- Councillor B. Rice stated that the scale of the Conservative cuts were unprecedented and that coupled with the localisation of business rates would have a significant impact in Thurrock, which was in addition to the 10% year on year spending cuts at an estimated £37 million. She congratulated the Portfolio for reaching a balanced budget but warned that some services would be significantly reduced or cut altogether.
- Councillor B. Little drew Members attention to table 6 in the supporting financial information which compared 'numerous' Highways Land and Infrastructure, and felt that this was difficult terminology to use.

The Cabinet Member agreed at the unfortunate phrasing and assured the Member that he would provide him with a more detailed list to study in more detailed.

- Councillor S. Little stated that the 2,556 figure she had received on the number of garages in Thurrock through a recent Freedom Of Information (FOI) request differed to that outlined in the report which was 2,745. She questioned why there was this discrepancy.

It was explained that it was likely because some garages had been sold off and a number of garages had been demolished on the Seabrooke Rise estate in the interim, however the Cabinet Member requested that the Director of Housing to investigate and advise on the difference.

- Councillor Johnson wanted to establish a fact, in that some Members had stated that £2.4 million was being taken out of reserves to balance the budget in 2014/15. He felt that the term of balancing the budget was not strictly correct if reserves were being depleted to close the deficit.

The Portfolio Holder briefly summed up the report and stated that reserves were not being used in an unplanned way and reserves were in fact a contingency.

25. Questions from Members

A copy of the transcript of questions and answers can be viewed on CMIS at <http://democracy.thurrock.gov.uk/thurrock/>

26. Reports from Outside Bodies

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

27. Minutes of Committees

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

28. Motions update report

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

29. Motion submitted by Councillor John Kent

The Motion, as printed in the Agenda, was proposed by Councillor John Kent and seconded by Councillor Kerin.

Councillor J. Kent introduced the motion, and in doing so called for the council and its partners to pledge not to use any workfare placements.

There was a considerable level of disagreement in the Chamber which resulted in a debate, during the course of which the following key points were raised both in support and opposition:

- That there was no evidence to suggest that Workfare was successful in assisting people in getting into employment.
- It was felt by some members that Workfare stigmatised benefit claimants and locked them into poverty.
- That Workfare was a targeted scheme to assist those most difficult to reach.
- Avoiding the use of workfare was unacceptable as it aimed to support the long term unemployed.
- Some felt that it exploited the unemployed and narrowed the job market, by encouraging big businesses to use free labour.
- That Workfare was an opportunity for people to learn new skills.
- That the scheme would make it harder for the long-term unemployed to remain on benefits, and the intensive support would help to break the cycle of benefit claimants.
- That it undermined low paid workers.

Councillor J. Kent asked that a requisition vote be conducted for this item, and in accordance with Procedure Rule 20.7, five Members stood and requested that the vote be recorded.

The result of the vote was as follows:

For: Councillors Chris Baker, Jan Baker, Clare Baldwin, Charles Curtis, Tony Fish, Oliver Gerrish, Yash Gupta, Victoria Holloway, Roy Jones, Cathy Kent, John Kent, Martin Kerin, Maggie O’Keeffe-Ray, Bukky Okunade, Robert Ray, Barbara Rice, Gerard Rice, Sue Shinnick, Andy Smith, Philip Smith, Graham Snell, Richard Speight, Michael Stone, Lynn Worrall, Sue Gray and Steve Liddiard (26)

Against: Councillors Mark Coxshall, Robert Gledhill, James Halden, Shane Hebb, Barry Johnson, Tom Kelly, Charlie Key, Brian Little, Sue Little, Sue MacPherson, Ben Maney, Barry Palmer, Maureen Pearce, John Purkiss, Joy Redsell, Andrew Roast and Simon Wootton (17)

Abstain: None (0)

The Mayor declared the motion was carried.

RESOLVED:

This council believes that work should pay and therefore opposes the introduction of schemes which force job seekers into unpaid work or face losing their benefits – schemes known popularly as workfare.

This council is concerned that there is no evidence workfare assists job seekers in finding work and in fact working a 30-hour week makes that more difficult; that workfare is replacing paid work; and that workfare stigmatises benefits claimants and locks them further into poverty.

This council therefore pledges not to use any workfare placements and also calls for our partners and contractors not to use the schemes.

30. Motion submitted by Councillor Cathy Kent

The Motion, as printed in the Agenda, was proposed by Councillor Cathy Kent and seconded by Councillor Kelly.

Councillor C. Kent introduced the motion, which raised areas of concern and asked the Chief Fire Officer to reconsider the proposed changes to Grays Fire Station.

The Leader of the Opposition supported the motion and felt that the proposals would put the lives of residents and those people travelling through Thurrock at risk. However he acknowledged that the argument was one sided without

first hearing from the Chief Fire Officer, and called for the Chief Fire Officer to attend a meeting of Council to discuss the proposals with all Members in the same way that the Chief Constable of Essex Police had done in the past.

The Chamber agreed that it would be beneficial to invite the Chief Fire Officer to attend a Council meeting at a later date to discuss the proposals.

During the course of debate, the following points were raised:

- That it was positive that political groups were in agreement of the motion, but felt that the serious matter should not be exploited for political gain.
- That there was concern regarding the small number of crews that would be able to respond to call outs, especially as Thurrock was affected by traffic accident accidents on the M25, A13 and A127.
- That it was important to look at detailed plans for Thurrock Fire Service in the coming years.

Councillor C. Kent thanked the Fire Officers who attended the meeting and who were in the public gallery. She confirmed that she would invite the Chief Fire Officer to a future meeting of full Council.

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

RESOLVED:

This council believes that the changes proposed to Grays Fire Station are detrimental to the safety of the public and firefighters and we call on the Chief Fire Officer to reconsider them in light of new information bought to our attention by the Fire Brigades Union highlighting Thurrock as an area of extremely high risk.

At 9.15pm the Mayor proposed that Council Procedure Rule 11.1 be suspended to allow the meeting to continue beyond the 2 ½ hour time limit and enable the business on the Agenda to be completed.

31. Motion submitted by Councillor Hebb

The Motion, as printed in the Agenda, was proposed by Councillor Hebb and seconded by Councillor Gledhill.

During the course of his introduction, Councillor Hebb commented that:

- Nobody should be exempt from Public Sector Cuts.
- With the challenges that were faced in the Public Sector the salary of senior managers was incomprehensible to the majority of local residents.

- Leadership started at the top and whilst he recognised that managers were taking on more work than ever before, with vital services being cut it was felt that Senior Managers should accept a salary reduction.

The Leader of the Council welcomed the fact that the motion was measured, as he felt that Senior Management should be congratulated on their successes. He remarked that the team were the strongest that he had seen in his 20 years in Thurrock and recognised that they had not had a salary increase since 2009 in addition to the reduction of other benefits such as car allowances and bonuses. He stated that Thurrock had to remain competitive in the marketplace to ensure the best were recruited and felt that shared services helped to reduce the cost of Senior Management which was positive; however he felt that nobody should be exempt from the Public Sector cuts and so it was positive this was matter was being examined.

Members briefly discussed the recent strike action by public sector staff, some criticised strike action whilst other Members stated this was a legitimate way for staff to voice their concerns regarding pay.

During the course of the debate the following points were raised:

- Some Members felt that a full time Trade Union post was unnecessary for the size of the organisation.
- Others felt that the Union was the most effective way of maintaining good relations with the workforce.
- That front line staff should be rewarded and recognised.
- It was recognised that staff were taking on ever more work in the challenging environment of public sector cuts.

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

RESOLVED:

On Thursday 10th July 2014, employees in the public sector took strike action in respect of pay, which caused disruption to the tax-paying public.

With a number of local authorities being hit with strike action, and to free up funds to allow Thurrock to negotiate and determine salary increases locally, we call on the Chief Executive, as part of the current budget process, to:

- 1. Ask Senior Officers to volunteer a salary reduction of 5% in annual salaries, which had approval by members back in 2010.**
- 2. Undertake a review of all indirect or direct funding to trade-union representatives in the council – moving to a volunteer-based representative-model (like the private sector).**

32. Motion submitted by Councillor Halden

The Motion, as printed in the Agenda, was proposed by Councillor Halden and seconded by Councillor Gledhill.

Councillor Halden introduced the motion, and in doing so provided background as to how the Corporate Overview and Scrutiny Committee scrutinised the significant social care budget. He felt that the Director of Children's Services should continue to collate the necessary papers in order for Members to effectively scrutinise spending and called for Members to reaffirm their commitment to the principles of Corporate Parenting in terms of making the service budget as transparent and accountable as possible.

Councillor Okunade assured Members of the accountability and transparency of the Social Care budget but stated that this was a matter of how exempt information was controlled and managed.

Members agreed that they did not want to knowingly or unknowingly risk disclosing the identities of vulnerable children but felt that it was important that the budget should be scrutinised to ensure value for money.

Councillor Gledhill echoed the sentiments raised and recognised that it was positive to see the significant reduction in the numbers of exempt papers being circulated for Committees as he felt information should be in the public domain wherever possible.

The Leader of the Council agreed with the motion and felt that Corporate Parenting Committee was an oddity as it was not an Executive Committee nor had an Overview and Scrutiny function. He remarked that the specific concern was that exempt papers were circulated to co-opted Members of the Committee who were foster carers and that as the foster caring community was so small it may have been possible to identify specific individuals.

Councillor Halden explained that at a recent meeting exempt papers had been circulated to co-opted members and felt that although the sensitive information existed, the distribution of the papers should be rooted in legal principles. He felt that further legal advice should be sought to clarify the situation.

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

RESOLVED:

While acknowledging the justifiably protected nature of information in child social care, Council expresses concern in regards to comments made at the last meeting of the corporate parenting committee, in regards to removing financial information and reports from members for their scrutiny. Council reaffirms its commitment to the principles of corporate parenting in terms of making the service budget as

transparent and accountable to members as possible via appropriate reports.

The meeting finished at 9.47pm.

Approved as a true and correct record

MAYOR

DATE

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

10 September 2014		ITEM: 5
Council		
Tribute to Councillor Andy Smith		
Wards and communities affected: West Thurrock & South Stifford	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 requests the Council to pay tribute to Councillor Andy Smith, who sadly passed away on 12 August 2014.

The report also includes a proposed timetable that has been prepared by the Returning Officer for a by-election to be held.

1. Recommendation(s)

1.1 That Members be invited to pay tribute to Councillor Andy Smith.

2. Introduction and Background

2.1 On 12 August 2014, Thurrock Council was deeply saddened to learn that Councillor Andy Smith had passed away.

2.2 Councillor Smith was first elected to the Council in 1986, where he represented the Stifford Ward.

2.3 He became the Leader of the Council in 1995 and held this position until 2004. In this role, he was responsible for much of the work that led to the borough's successful bid to become a unitary authority and the start of the growth agenda which is being delivered now.

2.4 He was elected to represent the Tilbury St Chads Ward on 1 May 1997, as a member of Thurrock's first unitary council. He held this seat until 2006, when he was then elected to represent the West Thurrock and South Stifford Ward, which he did from 4 May 2006.

- 2.5 During his years as a councillor, Councillor Smith held a number of key roles in the Council. As well as being the Leader of the Council, his more recent roles included being a member of the Cabinet and covering the portfolio of Housing and Regeneration from 2011, and from 2012, he became the Cabinet Member for Regeneration, Highways and Transportation.
- 2.6 In addition to his work to bring unitary status to Thurrock, he was praised for his work within the council, in particular around the regeneration of the borough and most notably with the introduction of the Thurrock Thames Gateway Development Corporation, the Local Development Framework and the Local Development Order. He was also appointed to a number of outside bodies by the Council where he could raise issues and influence matters relating to regeneration and transportation within the borough.
- 2.7 The Council has received a number of messages of condolence and tributes to Councillor Smith. Some have been received from afar afield as Portugal and Italy, from European Partners on the URBACT Jobtown Project. Further tributes have also been received from the Chief Operating Officer at the Port of Tilbury and also from the Trustees of South Ockendon Community Forum.
- 2.8 All Members are invited to pay tribute to Councillor Smith.
- 2.9 As a further mark of respect, a notice of vacancy will be published by the Returning Officer following the funeral of Councillor Smith and, if requested, an election will be held and a pre-election period observed that will see some meetings being cancelled.

3. Issues, Options and Analysis of Options

- 3.1 The Council should formally pay tribute to Councillor Andy Smith, as a mark of respect for the service he has given to the Council and to the residents of Thurrock.
- 3.2 The Returning Officer has advised that he intends to publish a Notice of Vacancy after the funeral of Councillor Smith and has prepared a proposed timetable for a by-election to be held, which is attached at **Appendix 1** to the report.
- 3.3 Should a by-election be called and subsequently arranged in line with the proposed timetable, the Chief Executive has advised that a pre-election period will be observed that will see some formal meetings of the Council being cancelled. The pre-election period would commence with the publication of the Notice of Election, which is proposed to be on 11 September 2014 and guidance for Members and Officers is available on the Council's intranet.

4. Reasons for Recommendation

- 4.1 The Council should be afforded the opportunity to formally pay tribute to Councillor Andy Smith.

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

- 5.1 No consultation has been undertaken in respect of this report.

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

- 6.1 Not applicable.

7. Implications

7.1 Financial

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

There are no financial implications arising from the recommendation contained within this report.

The costs associated with a by-election have not been explicitly budgeted for but will be met from within existing budgets.

7.2 Legal

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

There are no legal implications arising from the recommendation contained within this report.

However, a by-election can only be called after two local government electors have requested an election to take place. The electors may be from within the borough and not just from the ward in question. If a request is received before the notice of vacancy is published, this will trigger the statutory period of 35 working days to hold the election.

7.3 **Diversity and Equality**

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

There are no implications arising from this report.

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**

- Appendix 1 – proposed timetable for a by-election in the West Thurrock and South Stifford Ward

Report Author:

Steve Jones
Democratic Services Manager
Legal & Democratic Services

Thurrock Council

West Thurrock & South Stifford Election

Proposed Timetable of Proceedings for Thursday 16 October 2014

Publication of Notice of Election	Thursday 11 September 2014
Receipt of Nominations	4:00 pm Friday 19 September 2014
Withdrawal of Candidate	4:00 pm Friday 19 September 2014
Appointment of Election Agents	4:00 pm Friday 19 September 2014
Publication of Notice of Election Agents	4:00 pm Friday 19 September 2014
Publication of Statements of Persons Nominated	4:00 pm Monday 22 September 2014
Last Date for Registration	Tuesday 30 September 2014
Receipt of Postal Vote Applications	5:00 pm Wednesday 1 October 2014
Publication of Notice of Poll	Wednesday 8 October 2014
Receipt of Proxy Vote Applications	5:00 pm Wednesday 8 October 2014
Appointment of Poll and Count Agents	Thursday 9 October 2014
First Day to Issue Replacement Lost Postal Ballot Papers	Friday 10 October 2014
Receipt of Emergency Proxy Vote Applications	5:00 pm Thursday 16 October 2014
Last Day to Issue Replacement Spoilt or Lost Postal Ballot Papers October 2014	5:00 pm Thursday 16 October 2014
Day of Poll	7:00 am to 10:00 pm Thursday 16 October 2014 (Count Venue: Civic Offices, New Road, Grays)
Declaration of Candidates Expenses	Thursday 20 November 2014

Dated Tuesday 02 September 2014

Printed and published by the Returning Officer, Civic Offices, New Road, Grays, Essex, RM17 6SL

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QUESTIONS FROM MEMBERS OF THE PUBLIC

There is 1 question from a member of the public.

1. **From Mr Martin Healy to Councillor Fish**

Recognising the fact that we are where we are with disgracefully reducing levels of Government funding to local Government, what creative ways is the cabinet portfolio holder and his officers looking at to ensure that on our council owned sports grounds, grass is cut and council owned pitches rented to sports clubs are always maintained to an appropriate level to ensure we preserve the public health benefits of active participation in sport and outdoor healthy recreation in general?

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Item 9: Petitions Update Report – 10 September 2014

Petition No.	Description	Presented by (and date)	Portfolio Holder	Status Full copies of the responses may be obtained from Democratic Services
436	A petition on behalf of residents of Viola Close, South Ockendon, Essex Advising of parking issues and requesting a Residents' Parking Scheme on Viola Close.	14/03/14* Submitted by a local resident	Cllr J. Kent	<p>A letter was sent to the Lead Petitioner on 17/04/14 which explained that:</p> <p>A number of requests have been received from residents of the Flowers Estate for the extents of the Permit Area to be amended.</p> <p>All requests received since the scheme came into force have been listed for consideration, following completion of the monitoring period. This petition was included amongst those requests.</p> <p>The monitoring period was set until the end of May. After this time a letter will be sent to all residents currently not included in the permit area in order that an amendment can be made to include new roads that now have a majority view in favour of joining the scheme</p>
437	To stop the menace of HGV's waiting to unload on the Globe Works industrial estate. We also call for suitable traffic management controls or planning constraints to be put in place to stop HGV's exiting.	26/03/14 Presented at Council by Cllr Kelly	Cllr J. Kent	<p>A letter was sent to the Lead Petitioner on 06/05/14 which explained that:</p> <p>"Unfortunately there are no operating restrictions limiting the number of heavy goods vehicles from entering the industrial estate during the day and Conditions cannot be imposed upon premises already operating with existing Conditions. Vehicles queuing to gain access to premises do not constitute a</p>

* indicates petitions handed in at the Civic Offices or e-petitions - not presented at Council

Item 9: Petitions Update Report – 10 September 2014

				<p>contravention of the parking restrictions.</p> <p>However, your concern with heavy goods vehicles mounting the footways has been noted. Whilst we can not prevent HGVs from entering the estate, an investigation has been carried out to identify any suitable alternative traffic management arrangements. The investigations included the feasibility of one way operation being introduced, however the roads are narrow at both entrances and footway over-run would occur. One Way operation is not recommended.</p>
438	<p>Petition to Thurrock Council for the re-siting of pedestrian crossing and the reinstatement of parking at Tesco Express, Southend Road, Grays</p>	<p>08/04/14 * Submitted by a local resident</p>	<p>Cllr J. Kent</p>	<p>A letter was sent to the Lead Petitioner on 23/04/14 which outlined:</p> <p>Prior to implementation last year, a full investigation was carried out in order to site the crossing at an appropriate location to deal with the unsafe practices that were occurring.</p> <p>A statutory consultation was carried out and letters were delivered to businesses in the immediate vicinity of the proposed crossing location. Meetings were also held with Managers from Tesco and following discussions regarding the safety of customers and road users, the position and the layout of the Zebra Crossing was agreed.</p> <p>An independent Road Safety Audit was carried out on completion of the works on site and recommendations have been made relating to the position of the bollards and the length of the white zig zag markings etc.</p>

* indicates petitions handed in at the Civic Offices or e-petitions - not presented at Council

Item 9: Petitions Update Report – 10 September 2014

				<p>These amendments will be carried out shortly.</p> <p>There is a clear demand for the Zebra Crossing outside the Tesco store and unfortunately there are no alternative suitable locations that the crossing could be relocated to.</p> <p>Whilst there is concern for the lack of parking facility on the forecourt, the unsafe vehicle and pedestrian manoeuvres that were being undertaken could not be ignored.</p>
439	<p>Thurrock Council considers the use of space at Defoe Parade for the purpose of a weekly market to include any Farmer's markets and French market. This is requested due to the lack of shopping facilities and value for money in the area and also to bring the community together.</p>	<p>23/07/14</p> <p>Presented at Council by a local resident</p>	<p>Cllr L Worrall</p>	<p>Thurrock Council's Housing Department currently provide a license to a market provider for the provision of a market at South Ockendon. They also have an expired licence for a market in Tilbury which may be extended pending conversations with the market provider.</p> <p>The Housing Department do not run markets but provide licenses for providers to run markets on Housing land.</p> <p>If the shop keepers in Defoe Parade wish to work with a market provider or, if they wish to become one themselves, then they simply need to put a business plan together which shows a sustainable market can be run and gain a license from Housing to run a market in Defoe Parade.</p>

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10 September 2014	ITEM: 11
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	Make bylaws for: <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

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

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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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10 September 2014	ITEM: 12
Council	
Cabinet Member Report - Adult Social Care and Health	
Report of: Councillor Barbara Rice, Portfolio Holder for Adult Social Care and Health	
This report is public.	

Introduction

I am pleased to present my 3rd Portfolio Holder report to Council.

Adult Social Care, Public Health and joint working with the NHS is a vast agenda and one that doesn't get the attention it should do in my view.

The cuts we face are un-precedented and although performance remains strong, morale amongst staff remains high and our partnership working continues to be very good, cutting £ 7m out of our budget of £ 38.3m (net) in the next three years when we are trying to implement the Care Act and managing growth in demand will be one of the biggest challenges we have ever faced.

I am extremely pleased with what we have managed to achieve over the last year, and will highlight the achievements I feel are most notable and of which I am most proud. Those achievements are ever greater given the current economic and demographic landscape in which we are working.

My report is split in to three sections:

- Adult Social Care
- Public Health
- Joint working with the NHS

1. ADULT SOCIAL CARE :

Adult Social Care is on a journey of transformation and the Care Act 2014 urges us to go further and faster. This is a necessity, not an option. We know that the number of people living longer is increasing, but that an increased number of people will live with chronic health conditions and with a greater complexity of needs. This is putting a tremendous strain on both the health and social care system and has meant that the system, as it is now, is not sustainable. We are acting now to develop a model that utilises the resource we have to the best effect and that is able to support our residents in to the future – using the assets in the community. This includes placing an emphasis on prevention and early intervention and ensuring communities can be resilient and self-supporting.

Key successes achieved since my last report are as follows:

- **Peer Review** : Thurrock Council volunteered to be the first local authority adult social care department in the Eastern region to have a Peer Review exercise. This was undertaken in November 2013 and the report was discussed at HOSC during its meeting in February 2014 and went to Cabinet in March. The focus of the Peer review was Choice and Control and the work we were leading around building stronger communities. The report strongly endorsed the direction of travel for the Council commenting that the work was more wide ranging than anything else seen in the country.
- **Elizabeth Gardens** – our extra care housing scheme in North Grays. The scheme was developed as a joint venture between Housing, Adult Social Care and Hannover Housing Association. The first residents moved in in the summer of 2013 and it was full by Xmas. The focus of the scheme is to enable residents to remain independent for as long as possible, it offers 67 units of accommodation in 1 and 2 bedroom units. I have visited on a number of occasions and the feedback from residents about the service is always extremely positive.
- **Derry Avenue** – the design and development of the specialised housing scheme for older adults in Derry Avenue South Ockendon is progressing well. As a result of changes to accommodate planning requirements the scheme will now comprise 25 flats, all of which are designed to be ‘care ready’, meaning that occupants will be able to remain independent at home for as long as possible. Although start of site has yet to be confirmed it should be later this month - September 2014. The build period is likely to be around 60 weeks giving a completion date of late 2015.
- **Stronger Communities** – strong, resilient communities are a key part of our transformation model and will help to prevent and delay the need for service intervention. Building upon a very successful first phase we have recruited four additional Local Area Coordinators (LAC) based in Purfleet, Tilbury, Stanford/Corringham and Stifford Clays. We have also recruited a LAC manager to oversee the development of this key service. Recently we have also agreed to extend the service by another three LAC’s; thereby achieving full coverage across Thurrock. Positive testimonials from the community and other professional have been a constant feature since the LAC service was introduced proving conclusively that this approach significantly improves outcomes for the individual supported, and helps to build more connected and supportive communities. Funding for the extension to the service represents a real partnership approach between Heath via the CCG, Public Health and the Fire Service, who have seconded one of their personnel to be the LAC in Purfleet.
- **Asset Based Community Development (ABCD)** continues to be the model that informs the wider Council approach. Two community builders have recently been employed under the Stronger Together programme and they will enhance the work of the LAC’s and the promotion of an area based

delivery of Health and Social Care services, which is a key objective of the health and well being agenda locally.

- Other key Stronger Together/ Building Positive Futures community initiatives continue to be implemented which will begin to deliver the cultural transformation required for the sustainable development of health and social care services in the future. These include:
 - Community Hubs
 - Small Sparks funding
 - Micro Enterprise/Social Enterprise market development
 - Timebanking
- **Animate** – Thurrock Adult Social Care are part of a European consortia who received European Ambient Assisted Living programme funding. This project will develop an approach to inter-generational training making use of the skills and experience of our older generation to support younger people with training and mentoring; either with a view to entering the workplace or developing their abilities within an existing work environment. This philosophy is very much in keeping with the Building Positive Futures ethos of recognising that our older people have a vital and important contribution to make. It is early days, the initiative beginning in April 2014 is a three year project, but already the potential that it has to improve prospects for younger people, whilst providing a sense of purpose for some older people is becoming evident.
- **Integration with the NHS** – our integrated services continue to develop. For some years we have been working in partnership with our local community health provider NELFT (North East London Foundation Trust) to develop two integrated teams of Social Care and Health professionals with the aim of reducing demand for primary care, acute services and long term reliance on social care services. The two teams are the Rapid Response and Assessment Services (RRAS), and the Joint Reablement Team (JRT). The RRAS is receiving on average 150 referrals per month. The intervention of the services means that on average 95% of referrals are avoiding an admission in to hospital, with 48% avoiding an admission in to residential or nursing care.
- **Placement Review Programme** – This is a very important piece of work : Over 50% of our budget is within external placements. We have been working jointly with Housing to make the best of our assets by utilising vacant sheltered housing complex warden's houses for learning disabled people currently in out of borough placements. A number of people with learning disabilities have already moved in to the identified properties. This scheme has now been evaluated and received very positive feedback - it has enabled greater independence for those individuals and meant that they can be closer to family. The work has also enabled us to reduce our costs – currently in excess of £158,000.

- **Performance Highlights –**

The national Health and Social Care Information Centre has recently released provisional 2013/14 performance data for all adult social care departments across the country. I am pleased to report that overall, the results highlight another year of good performance and progress for the department .

The service improved its performance from the previous year on 11 out of 18 (that is 61%) of the key national performance measures for adult social care services in the Adult Social Care Outcomes Framework (ASCOF)

I am particularly pleased to report improvements in a number of top priority areas for the service. I will briefly highlight examples of the main achievements for 2013/14:

- a. The proportion of people with social care services or support who receive self-directed support has increased over the past year to 71% from 58% in 2012/13. This places Thurrock well above both overall national performance and that of our comparator councils.
- b. Over one in four people (some 27%) with social care services and support now receive a direct payment - a form of support which helps to maximise choice and control. Again, Thurrock is performing above both the national average of 20% and our comparator councils.
- c. Fewer people aged over 65 were placed into permanent residential care in 2013/14 as the service was able to successfully utilise alternative arrangements.
- d. 90% of people aged 65 and over who were discharged from hospital into a reablement or rehabilitation service were still living at home 91 days later. Maintaining people's independence and enabling people to live longer at home is an important priority for the service - this performance maintains Thurrock's position as one of the top performers nationally.
- e. The number of delayed transfers of care from hospital which were attributed to adult social care has again been kept to a minimum in 2013/14 - as reported previously, Thurrock remains one of the best performers in the country.

Challenges :

- **Care Act 2014** – The Care Act is the most significant change in legislation affecting Adult Social Care for over 40 years. We have established a Care Act Implementation Group which reports to the Health and Well-Being Board. The key changes are :
 - a. New rights for Carers to have an assessment on a par with service users;
 - b. Everyone to have personal budget by April 2015;

- c. The Adult Safeguarding Board will become statutory as with the Children's Safeguarding Board;
- d. In April 2015 a new Advice and Information system will come into place;
- e. A new national eligibility system will come into place.
- f. From April 2016 the amount that an individual can pay towards their care will be capped at £ 75,000;
- g. From April 2016 the rate at which individuals will have to pay for all their care will be raised from an asset threshold of £ 23,000 to £ 112,000.

These are very significant changes and there is a huge amount of work underway to get plans in place. I am confident Thurrock will be ready to deliver these changes from next April.

The biggest risk is over the funding of the "Dilnot funding reforms" from April 2016. The government have said they will fully fund them. I am sure the whole Council will hope that the government delivers on this.

- **Budget cuts** – at Cabinet and elsewhere on the agenda we have discussed this. The total budget for the Directorate agreed at the Council budget meeting in February (including Public Health) is £ 38.3m (net). Due to the Council's need to find savings we have had to identify £ 7m budget reductions to date over the next three years. These include
 - £ 1.4m reduction in Public Health contracts – we will look to get better value from some of our bigger NHS contracts
 - £ 2m to be secured from the NHS via the Better Care Fund
 - £ 250k cuts to the voluntary sector - including BATIAS, Thurrock Asian Association; Thurrock Centre for Independent Living and Age Concern Thurrock
 - £ 50k cut to Healthwatch
 - £ 50k through the closure of Hathaway Road respite unit
 - £ 100k reduction in the subsidy for the Meals on Wheels service
 - £ 100k savings through efficiencies in our equipment contracts
 - £ 1.5m reduction in external placements – this may mean we won't be able to offer the range of care we have been able to offer previously
 - £ 200k cut in social work posts – we will be restructuring our fi
 - £ 750k in Supporting People budgets – this may affect some of the preventative services we have previously funded.
 - £ 500k reduction in contracts, management savings and reduced use of agency staff.

We have tried to protect front line services and maintain our core statutory duty but this is getting harder and harder as our budgets shrink, our responsibilities increase and the demands on Adult Social care grow.

- **Budget position** – I am pleased to report that for the past three years we have brought our expenditure in on budget. This is particularly difficult for this Directorate as we have such a large number of budgets that are demand led - especially those budgets that are in external placements where demographic and other pressures are very high and growth is expected every

year. We have been able to achieve this through a very rigorous approach to keeping our placements costs down, gatekeeping access very tightly in accordance with our eligibility criteria and securing extra funds from the NHS through re-ablement and social care NHS funding sources.

- **Maintaining the Quality of Care** – the focus on quality must be rigorous, Mid-Staffordshire and Winterbourne scandals show how we must be vigilant. We constantly review our contract monitoring processes, ensuring that they are robust. We have recently established joint monitoring visits with the CCG, and have also set up a local quality surveillance group – again alongside the CCG. As part of our focus on quality, we have re-commissioned our domiciliary care contract and are working closer with our user-led organisation – Thurrock Coalition. We also are facing some very significant problems with recruiting experienced staff and we will be looking at ways we can hold onto our most experienced, qualified staff.
- **Better Care Fund** – The Better Care Fund was announced in June 2013 as part of the 2013 spending round. NHS England stated that the purpose of the Fund was to provide ‘an opportunity to transform local services so that people are provided with better integrated care and support’. Whilst Thurrock’s fund is £10.5m million, this is not new money – but a combination of existing funding streams and the majority of those funding streams being from the CCG’s budget. Approximately a quarter of the Fund was to be linked to performance – against 5 specific national indicators.

We have worked hard with our CCG colleagues to develop our Better Care Fund Plan – and we are clear that in Thurrock, the Fund is to be used as a catalyst for whole system transformation. I am clear that we need to develop a system that is not only sustainable in to the future, but that focuses on the person and the outcomes they need to achieve. The focus of our Plan is on people over the age of 65 at most risk of hospital admission or residential care admission. Since our original BCF was submitted in April, the Department of Health and Department for Communities and Local Government has written to Health and Wellbeing Board Chairs to inform them that Plans are to be revised, with the pay for performance element to be attached solely to a reduction in emergency admissions and out of hospital commissioned services. The Department of Health has stated an expectation for all areas of reducing total emergency admissions by at least 3.5% - unless a solid case can be made for a lesser target. The focus of the Fund has therefore changed emphasis.

2. PUBLIC HEALTH :

The Council welcomed the transfer of public health responsibilities to local authorities in April 2013. I think this has been a real success story and the Public Health team has been very visible across the whole Council not just in my Directorate. It seems as if they have been part of the Council for years.

The team have allocated managers to the different directorates within the council to ensure that the council becomes more public health focussed

The first Annual Public Health Report (APHR) was published In October 2013 – A new APHR focusing on Ageing Well is being produced to support the work around the Better Care Fund.

Successes :

- Well Homes Project working with housing -an initiative that looks at the impact housing may have on people's health
- Beat the Street – 14,720 people took part in a walking challenge over 6 weeks. 50 schools participated and many community groups in total walked two and a half times round the world
- Public Health Responsibility Deal – Thurrock Council signed 12 pledges and is working with local businesses to get them to sign up as well
- New Year New You – 8 week programme to support the workforce to make healthy choices about their life
- Thurrock Council signed the local authority tobacco control declaration and Public Health has funded a further enforcement officer
- Over 75's health analysis – a detailed report produced with the CCG on the health needs of the over 75s.

Challenges :

- **Immunisation** – I want to ensure that the uptake of childhood vaccinations in Thurrock is in line with World Health Organisation recommendations (mostly 95%). Our performance in Thurrock is good, but we are still around 4% below the recommended target of 95% for 2 doses of measles, mumps and rubella vaccine in 5 year olds.
- **Health Challenges** – we have significant health challenges in Thurrock. We have extremely high rates of overweight and obesity and high rates of smoking – both of which we know result in early mortality and life-limiting diseases such as some cancers and also heart disease and stroke. The Team's initial focus has been on these areas – and this is also a focus of Thurrock's Health and Wellbeing Strategy. Public Health England's 'Longer Lives' statistics rate Thurrock as 'worse than average' for cancer, and in the 'worst' percentile for heart disease and stroke. Smoking, poor diet, and lack of exercise link to these conditions.
- **Re-commissioning of Public Health Services** - when public health transferred into the Council on the 1st April 2013, contracts were transferred to the local authority. We successfully secured the full amount of the Public Health Grant that we were due from the previous PCT.

This year, notice has been served for three of the services, with a timeline for procurement of new services for April 2015. These services are adult weight management, children's weight management and school nursing services. Benchmarking with 6 CIPFA comparator sites and full public consultations have been undertaken to inform the new specification. Next year we will have in place :

One year pilots to be awarded for 2015/16 :

- Adult Weight Management
- Children's Weight Management

Three year contracts from April 2015 for :

- 5 – 19 Service (School Nursing)

3. JOINT WORK WITH THE NHS :

Health and social care is undergoing momentous change. The change is both structural and cultural. There is a great emphasis placed on working across the whole system, and the Council has a leadership role in making this happen. Examples of how we are embracing the whole system agenda and our role as system leader include:

Successes :

- **Health and Wellbeing Board** – Thurrock's Health and Wellbeing Board was formally established as a Committee of the Council in April 2013. I am delighted to be its Chair. The Board's role is to act as system leader to improve health and wellbeing. In the last year, the Board has developed its first Health and Wellbeing Strategy. This includes improving the quality of primary care, and improving the quality of secondary care. A purpose of the Board is to ensure that local needs are met, and that the quality of services provided is of a high standard. The Board's role and responsibilities are growing, and it will have a key role in signing off the plans for the Better Care Fund. I am conscious that the Board, and a number of organisations sitting on it, is new and that it may take time to demonstrate how collective effort is leading to better outcomes. I am however very pleased with its progress and confident that its focus is on the right areas.
- **Health and Wellbeing Strategy** – This year has seen the first year implementation of our Health and Wellbeing Strategy. The Strategy has identified areas we most need to focus on to ensure that our residents have the best health and wellbeing, and that any current inequalities in health and wellbeing are reduced. Our Strategy covers the entire population but has priorities specific to both children and adults. We were very clear that we did not want to dilute issues specific to children. Working across the whole-system is a key element of the Strategy. No one organisation can work in isolation to improve or maintain the health and wellbeing of a population. The Health and Wellbeing Board has a key role in holding partners to account for the delivery of the Strategy, and ensuring where appropriate, that partners work together and are mindful of the impact of their actions on each other.
- **Basildon and Thurrock Hospital** - (BTUH)– in my last Portfolio Holder report I had the misfortune to state that the Hospital was one of a small number of hospitals that had been placed in special measures as a result of the Government's Keogh Review. Since my report, a number of positive changes have taken place, culminating in the Hospital's special measures

status being removed. I have ensured that the Council has maintained a strong focus on the Hospital's progress – both through my role on the Health and Wellbeing Board and through working with colleagues on the Health and Wellbeing Overview and Scrutiny Committee. The improvements made at the Hospital have been astounding, but I am keen to ensure that the Board maintains a watching brief to ensure that the good performance is maintained. Working alongside Thurrock Healthwatch, I am sure that any concerns will be highlighted at the earliest opportunity.

Challenges :

There are inevitably challenges ahead. I think those that are our greatest challenges in this complex agenda are as follows:

- **Quality and capacity of Primary Care** – for me, this is a key priority and I have made sure that it is a priority for our Health and Wellbeing Board. If we do not act now, we face a potential crisis. Thurrock has a large number of small practices, and it also has a large number of GPs at or nearing retirement age. Access to primary care across Thurrock is inconsistent. We know that if people cannot get appointments with their GP, they are more likely to attend Accident and Emergency, which then places additional pressure on secondary care. We are in close discussions with the CCG and NHS England over their emerging Primary care Strategy. We are also looking at a number of specific initiatives around Tilbury; Purfleet and the re-provision of the Walk-in centre where we think there are exciting opportunities to develop some joint provision across health and social care.
- **Learning Disability Health Checks** – one of the ways in which we have been able to demonstrate our role as system leader, has been the way in which we have actively championed the right of people with learning disabilities to a health check. The number of learning disability health checks carried out in Thurrock has been low – and this is clearly not acceptable. Through the Health and Wellbeing Board and through our representation on the CCG Board, we are pursuing this issue. The level of improvements remains too slow and I will continue to raise this matter with NHS England and the CCG.
- **Quality of Secondary Care and reducing unplanned admissions** – I have already mentioned the difficulties at Basildon Hospital. We have also fought hard to ensure that services remain local where appropriate such as the Stroke Unit and the pathology services. The quality of secondary care is also a priority for us. This has been well documented and we continue to use all our collective resources to ensure that improvements are made and sustained. The challenge for both primary and secondary care settings, as with adult social care, is the impact changing demographics have on the system. A focus on prevention and early intervention is key to addressing some of the issues that exist both now and in the future, and we are fully involved in or are able to influence related work streams.

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QUESTION TIME

Questions from Members to the Leader, Cabinet Members, Chairs of Committees or Members appointed to represent the Council on a Joint Committee in accordance with Chapter 2, Part 2 (Rule 14) of the Council's Constitution.

There are 5 questions to the Leader and a further 5 questions to Cabinet Members, Committee Chairs and Member appointed to represent the Council on a Joint Committee.

QUESTIONS FROM MEMBERS TO THE LEADER

1. From Councillor Hipsey

Would you please confirm whether the sound barrier that has been installed by contractors employed by DP World along parts of Corringham Road, Stanford Le Hope, the entire route of the Manorway and along the A13 from Stanford Le Hope to Orsett, meets safety collision standards and whether the coating treatment used on the barriers is resistant to deliberate or accidental fire hazards?

2. From Councillor Kerin

Can the Portfolio Holder for Education please inform this chamber of how many Thurrock schools he visited in the academic year 2013/14?

3. From Councillor C. Kent

The Coalhouse Fort Project, and others, have long wanted to see the completion of the Two Forts Walk, between Coalhouse and Tilbury Forts. Given the scale of funding cuts the council is facing over the next three years can the portfolio holder give any hope that this important initiative can be completed?

4. From Councillor Snell

Could you please advise how much has been budgeted for the renovation of the civic offices?

5. From Councillor Wootton

Following the retirement of the mobile library service manager in Autumn 2013, why has it taken a year to get this valuable service for Thurrock residents back on the road?

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

1. From Councillor Gerrish to Councillor Holloway

"How does our council tax collection compare to previous years?"

2. From Councillor Jones to Councillor Worrall

"I have been working for some time on behalf of several residents in my Ward who have been waiting for repairs to be undertaken to their properties, ranging from fitting extractor fans and shower trays to a kitchen replacement. Could the Cabinet Member for Housing please work with me to look into why it takes so long to get repairs completed on some residents' homes in my Ward?"

3. From Councillor Redsell to Councillor Worrall

How many void or empty properties do we have in Thurrock at this time?

4. From Councillor Redsell to Councillor Worrall

What steps are in place to stop residents from having too many pets in flats?

5. From Councillor Halden to Councillor Okunade

Can the Cabinet Member inform the Chamber what overspends or underspends have been recorded for the children's social care department budget in recent years and whether the department is on track to having a balanced budget by the end of the current financial year?

Item 16 - Update on Motions agreed by the Council – 10 September 2014

Date	From	Motion	Status	Accountable Director
23/10/13	Cllr Ojetola	<p>This Council requests that NHS England and Thurrock CCG consider the introduction of a further GP surgery in Chafford, to meet increasing demand, as part of the Primary Care Strategy work already in progress.</p>	<p>November Update: NHS England Essex Area Team is in the process of developing the Primary Care Strategy from Essex. Listening events have taken place and a draft Strategy is scheduled to be developed towards the end of the year. The Strategy will then be subject to consultation. The Primary Care Strategy will look at future models of primary care – including how demand can best be met across Thurrock.</p> <p>January update – we are expecting the first draft of the primary care strategy towards the end of January 2014. This will be taken through the Health and Wellbeing Board for debate to ensure that this motion and the wider concerns of the Council over Primary Care in Thurrock are fully addressed.</p> <p>March Update – The Health and Well-being Board in March discussed the first draft of the Primary Care Strategy. Formal consultation will start later in the year.</p> <p>July Update – Consultation events have taken place across Essex and a refined version of the Strategy is expected to be available in September 14.</p>	Roger Harris
27/11/13	Cllr B. Rice	<p>In May Newcastle City Council passed a declaration setting out their commitment to tackle the harm smoking causes their communities. This has become known as the Local Government Declaration on Tobacco Control and been endorsed by, among others, The Public Health Minister, Chief Medical Officer and Public Health England.</p> <p>This Council will sign up to the Declaration and commit to:</p>	<p>Thurrock Council is now listed as a signatory to the Local Government Declaration on Tobacco Control on the Smokefree Action website: (http://www.smokefreeaction.org.uk/declaration). A paper is being considered on this topic by the Thurrock Health and Wellbeing Board on 9th January.</p> <p>March Update – The Thurrock Tobacco control strategy will come back to the HWB Board in May.</p>	Roger Harris

Item 16 - Update on Motions agreed by the Council – 10 September 2014

		<ul style="list-style-type: none"> • Reduce smoking prevalence and health inequalities • Develop plans with partners and local communities • Participate in local and regional networks • Support Government action at national level • Protect tobacco control work from the commercial and vested interests of the tobacco industry • Monitor the progress of our plans • Join the Smokefree Action Coalition. 	<p>July Update – this was deferred from the May HWB Board meeting and will come back to the September meeting.</p> <p>Thurrock CCG have also agreed to sign up to the declaration.</p> <p>September update – a stakeholder workshop is booked for 1 October to inform the Tobacco Control strategy.</p> <p>Plans to localise the annual ‘Stoptober’ campaign will be put into action from the launch on 9 September targeting routine and manual workers.</p>	
27/11/13	Cllr Anderson	That Thurrock Council will work pro-actively with local community groups to create a comprehensive list of Assets of Community Value in Thurrock, which would then be protected by the Community Right to Buy provisions of the Localism Act.	<p>Thurrock Council is a member of the ACE Partnership with libraries, Thurrock Adult College, engage and Thurrock CVS. The ACE Partnership organises free training for community groups and residents on issues relating to empowerment and voluntary action. The Partnership is negotiating training dates with Locality, a national organisation commissioned by the government to support the implementation of community rights. This will provide an opportunity to promote the Community Right to Bid and to encourage nominations to the Assets of Community Value.</p> <p>All forms for nominating Assets of Community Value are available on the Council website.</p> <p>Training by Locality will be included in the next ACE programme May – July 2014. Targeted promotion will highlight Thurrock’s Community Right to Bid process and how to make a nomination. Staff in the Council and voluntary sector supporting community development will promote the training and take a pro active role in encouraging residents to understand the rights and use the processes in place.</p>	Steve Cox

Item 16 - Update on Motions agreed by the Council – 10 September 2014

			<p>Locality delivered a workshop on Community Rights at the Civic Office June 2014. Over 50 people attended including councillors, officers and community members. The session was very informative and we are confident this will support a wider understanding of the community rights in Thurrock. Sessions will be considered in neighbourhoods via the ACE Training programme.</p>	
27/11/13	Cllr Gledhill	<p>The Council request that a review be carried out of the implementation of the Veteran's Charter and publish the results before its second anniversary (March 2014), to ensure that the commitment we signed up to is working in Thurrock.</p>	<p>A review will be carried out and published within the requested time frame.</p> <p>March 2014 – 12 responses were received to inform the review. A report has been sent to those who responded and added to the Council website. A press release will communicate this to a wider audience.</p> <p>The review concluded that although the Veterans' Charter has supported some individual cases, more could be done to raise awareness and promote the Charter. This will be achieved through staff training and an event with service organisations to promote awareness about the Charter, and support Veterans use the charter effectively. The event will provide an opportunity to consider other possible actions that either the Council or partners could take to promote the Veterans Charter.</p> <p>In response to the review an event will be held 15 July to promote the Charter and Community Covenant. The event will incorporate a drop in for veterans and serving personnel and a workshop with partners to consider how we can work in partnership to join up support in the future. Also, talks will be held to support awareness raising of the issues faced by veterans returning to civilian life. This information will be developed into a training session for staff in future months.</p>	Steve Cox

Item 16 - Update on Motions agreed by the Council – 10 September 2014

22/01/14	Cllr Hebb	<p>Thurrock Council seeks to address the following concerns of residents and businesses in Stanford-le-Hope following their recent experience of significant flooding underneath the railway line in Wharf Road, and formally requests that DP World and Network Rail engage in a process to manage the following issues:</p> <ol style="list-style-type: none"> 1. General accessibility and emergency plans to be looked at to minimise the isolation of residents and businesses, with particular regard to emergency services, school and workplace commutes etc. 2. Free and direct access be re-established to the pumping plant for Thurrock Council to complete any required works as quickly as possible. 	<p>This is a long standing issue that has proved difficult to progress as the result of the intransigence of other parties. Due to the extreme weather conditions experienced over recent weeks, all available resources have been allocated to deal with immediate flooding issues in other locations. We remain committed to resolve this difficulty and meetings are being arranged to discuss and negotiate a satisfactory solution.</p> <p>New controls fitted to the system since the New Year has increased the reliability of the pumping station.</p> <p>Discussions are on-going with Network Rail in regard to the provision of a secure access route to the pumping station and the maintenance necessary for the outfall ditch flowing to Mucking Creek.</p> <p>Costs are currently being obtained for a remote monitoring system that will be installed to the control equipment of this pumping station.</p>	David Bull
22/01/14	Cllr Halden	<p>Thurrock Council objects to any bid for a road/bridge connecting Canvey and East Thurrock, and pledges to use any appropriate resources to challenge this.</p>	<p>Castle Point Council recently consulted on the link road through their Local Plan consultation. This Council formally objected to this proposal. We also asked Thurrock residents to object to the proposal through the Castle Point website.</p> <p>This Council's formal response to the Local Plan consultation (including objection to the link road) was submitted before the end of the extended closing date of 28th March 2014.</p> <p>Currently there are no further issues.</p>	David Bull

Item 16 - Update on Motions agreed by the Council – 10 September 2014

22/01/14	Cllr Gaywood	<p>In recognition of the wonderful support and much needed food provided by Thurrock Foodbank to our families and residents in need, particularly over the Christmas period, this Council resolves to write to the Thurrock Foodbank to thank and congratulate them.</p> <p>Furthermore, Thurrock Council calls upon Government to reconsider its decision to refuse the £22 million European Union funding available to help with the costs of running UK food banks.</p>	<p>Letters are being prepared to address the requests highlighted in the motion.</p> <p>An update is provided on Thurrock Foodbank below:</p> <p>The foodbank is Garron's Lane is now up and running and has been for a few months. They already have high demand and are already outgrowing the property that they let from the Council. There is a meeting to take place on 19th February 2014 to look at what future needs the Foodbank will have and how Housing might be able to help accommodate these.</p> <p>A further site visit was also carried out by Lands and the Head of Housing after the meeting. A few options have been to provide more space for the business and they are currently being evaluated.</p> <p>Thurrock Housing continue to work with the Foodbank and are helping them to expand by providing increased storage options.</p>	Barbara Brownlee
26/02/14	Cllr Hipsey	<p>Recently national publicity has demonstrated the Treetops school is among the very best schools in the country for children with special needs, (autism). Therefore, council resolves to congratulate the school on its continued fantastic work with our children and young people.</p>	<p>A letter has been sent to Treetops school to congratulate the staff for their fantastic work with Thurrock's children and young people.</p>	Carmel Littleton
26/03/14	Cllr Hipsey	<p>This elected chamber condemns the acts of indecent exposure where individuals are using the public highway to relieve themselves, which is starting become a regular occurrence seen along major trunk routes within Thurrock's boundary. Council also request the urgent assistance of Essex Police to attempt to clamp down on this ignorant disgusting behaviour.</p>	<p>This has been passed to Essex Police, who have responded as follows:</p> <p>Urinating in public is disgraceful behaviour, all cases that are received by Council staff are reported to the Police for further action. The Police Chief inspector is aware of the councillors concerns and has committed to act accordingly.</p>	Lucy Magill

Item 16 - Update on Motions agreed by the Council – 10 September 2014

26/03/14	Cllr Ojetola	<p>The Thurrock Business Awards on Friday 14 March was a unique occasion in Thurrock as numerous businesses were commended for their resilience for surviving the difficulties in the economy.</p> <p>This Council hereby delightfully congratulates all businesses on their achievements whether they won or were finalists.</p>	No update required.	Graham Farrant
26/03/14	Cllr Anderson	This council would like to put on record its thanks to those Members who are standing down at the 2014 local elections for their service to Thurrock during their time in office.	No update required.	Graham Farrant
23/07/14	Cllr J Kent	<p>This council believes that work should pay and therefore opposes the introduction of schemes which force job seekers into unpaid work or face losing their benefits – schemes known popularly as workfare.</p> <p>This council is concerned that there is no evidence workfare assists job seekers in finding work and in fact working a 30-hour week makes that more difficult; that workfare is replacing paid work; and that workfare stigmatises benefits claimants and locks them further into poverty.</p> <p>This council therefore pledges not to use any workfare placements and also calls for our partners and contractors not to use the schemes.</p>	<p>In accordance with the pledge the council is not using workfare placements.</p> <p>A letter is being sent to partners and contractors to highlight the pledge and seek their co-operation.</p>	Graham Farrant / Jackie Hinchliffe
23/07/14	Cllr C Kent	This council believes that the changes proposed to Grays Fire Station are detrimental to the safety of the public and firefighters and we call on the Chief Fire Officer to reconsider them in light of new information brought to our attention by the Fire Brigades Union highlighting Thurrock as an area of	<p>A letter was sent to the Chief Fire Officer and Deputy Chief Fire Officer on 8 July 2014 and a response was received on 22 August 2014.</p> <p>In the absence of the Chief Fire Officer, the Deputy Chief Fire Officer acknowledged that the motion had</p>	Graham Farrant / Lucy Magill

Item 16 - Update on Motions agreed by the Council – 10 September 2014

		<p>extremely high risk.</p>	<p>been considered by Members of the Fire Authority.</p> <p>Furthermore the Deputy Chief Fire Officer recognised the invitation to attend a meeting of Council and confirmed that he was happy to meet with Thurrock Councillors to explore the rationale for the recent decision of Essex Fire Authority and the impact of the Fire and Rescue Service on Thurrock. He invited a group of Councillors that included both Councillors nominated to Essex Fire Authority, the Leaders of each Political Group, the Leader of the Council and the Mayor of Thurrock to a briefing at Service Headquarters at Kelvedon Park, Witham, in order to discuss this matter further.</p> <p>A copy of the letter from the Deputy Chief Fire Officer that was sent to the Mayor of Thurrock was copied to Councillors Cathy Kent and Tom Kelly in their position of nominated Councillors to the Essex Fire Authority.</p>	
23/07/14	Cllr Hebb	<p>On Thursday 10th July 2014, employees in the public sector took strike action in respect of pay, which caused disruption to the tax-paying public.</p> <p>With a number of local authorities being hit with strike action, and to free up funds to allow Thurrock to negotiate and determine salary increases locally, we call on the Chief Executive, as part of the current budget process, to:</p> <ol style="list-style-type: none"> 1. Ask Senior Officers to volunteer a salary reduction of 5% in annual salaries, which had approval by members back in 2010. 2. Undertake a review of all indirect or direct funding to trade-union representatives in the council – moving to a volunteer-based representative-model (like the private sector). 	<p>The Chief Executive will be writing to all Members following consultation with the Leadership Group.</p>	Graham Farrant

Item 16 - Update on Motions agreed by the Council – 10 September 2014

23/07/14	Cllr Halden	While acknowledging the justifiably protected nature of information in child social care, Council expresses concern in regards to comments made at the last meeting of the corporate parenting committee, in regards to removing financial information and reports from members for their scrutiny. Council reaffirms its commitment to the principles of corporate parenting in terms of making the service budget as transparent and accountable to members as possible via appropriate reports.	The contents of the information provided to the Corporate Parenting Committee have been reviewed by the Portfolio Holder for Children’s Services, the Shadow Portfolio Holder, the Director of Children’s Services and Senior Officers in Democratic services. All agree that there is a need and desire for transparency around financial matters whilst protecting the individual details of children and young people. Reports have been prepared with this fine balance in mind. Members will have the opportunity for further discussion in a pre-meeting of the committee.	Carmel Littleton
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Motions Submitted to Council

In accordance with Chapter 2, Part 2 (Rule 15) of the Council's Constitution

Motion 1

Submitted by Councillor Tolson

"Thurrock Council calls upon government to make the display of Food Hygiene Rating Scheme Certificates compulsory in England as it currently is in Wales."

Monitoring Officer Comments:

A notice motion of motion must relate to a matter which affects the authority or the authority's area and must relate to a matter in respect of which the authority has a relevant function. The subject matter of this motion appears to be a topic of potential interest to local residents and for whom the authority may deem itself to be the proper representative body to express an opinion to government.

Section 151 Officer Comments:

There are no financial implications arising from this Motion.

Is the above motion within the remit of Council to approve?

Yes

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Motions Submitted to Council

In accordance with Chapter 2, Part 2 (Rule 15) of the Council's Constitution

Motion 2

Submitted by Councillor Gerrish

"Thurrock council pays tribute to Andy Smith and mourns his sad passing. We recognise and give thanks for the many years of hard work and commitment that he gave to the people of Thurrock.

The council asks that the Mayor holds a memorial service in Andy's memory."

Monitoring Officer Comments:

There are no legal implications arising from this Motion.

Section 151 Officer Comments:

There are no financial implications arising from this Motion.

Is the above motion within the remit of Council to approve?

Yes

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Motions Submitted to Council

In accordance with Chapter 2, Part 2 (Rule 15) of the Council's Constitution

Motion 3

Submitted by Councillor Kelly

"We call on Thurrock Council to complete the verge hardening projects started in Little Thurrock Rectory, Stifford Clays and Aveley"

Monitoring Officer Comments:

There are no legal implications arising from this Motion.

Section 151 Officer Comments:

Funding was agreed and set aside for pilot areas but these were focused on the verges in the poorest state and not whole roads. There is currently no funding set aside for any further works of this kind.

Is the above motion within the remit of Council to approve?

Yes

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Motions Submitted to Council

In accordance with Chapter 2, Part 2 (Rule 15) of the Council's Constitution

Motion 4

Submitted by Councillor Gledhill

"We call on government to make Councils, who are housing authorities, subject to the same sanctions as private landlord. This would require changing the law to allow Councils to be prosecuted where they fail to bring tenants homes up to an acceptable standard."

Monitoring Officer Comments:

A notice motion of motion must relate to a matter which affects the authority or the authority's area and must relate to a matter in respect of which the authority has a relevant function. The subject matter of this motion appears to be a topic of potential interest to local residents and for whom the authority may deem itself to be the proper representative body to express an opinion to government.

Section 151 Officer Comments:

There are no financial implications arising from this Motion.

Is the above motion within the remit of Council to approve?

Yes

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