

Minutes of the Extraordinary Meeting of the Council held on 26 August 2015 at 7.00 pm

Present: Councillors Sue Gray (Mayor), Cathy Kent (Deputy Mayor), Tim Aker, Chris Baker, James Baker, Jan Baker, Clare Baldwin, Russell Cherry, Colin Churchman, Leslie Gamester, Oliver Gerrish, Yash Gupta (MBE), Graham Hamilton, James Halden, Shane Hebb, Terence Hipsey, Victoria Holloway, Barry Johnson, Roy Jones, Tom Kelly, John Kent, Martin Kerin, Charlie Key, Steve Liddiard, Brian Little, Susan Little, Sue MacPherson, Bukky Okunade, Jane Potheary, Robert Ray, Joycelyn Redsell, Gerard Rice, Andrew Roast, Peter Smith, Graham Snell, Deborah Stewart, Kevin Wheeler and Lynn Worrall

Apologies: Councillors Mark Coxshall, Robert Gledhill, Garry Hague, Ben Maney, Tunde Ojetola, Barry Palmer, Barbara Rice, Richard Speight, Michael Stone and Pauline Tolson

In attendance: David Bull, Interim Chief Executive & Director of Planning and Transportation
Steve Cox, Assistant Chief Executive
Carmel Littleton, Director of Children's Services
Roger Harris, Director of Adults, Health and Commissioning
Sean Clark, Head of Corporate Finance
Mike Heath, Head of Environment
Ann Osola, Head of Highways
Karen Wheeler, Head of Strategy & Communications
Daniel Toohey, Principal Solicitor - Contracts & Procurement
Fiona Taylor, Head of Legal and Democratic Services
David Lawson, Deputy Head of Legal and Monitoring Officer
Matthew Boulter, Principal Democratic Services Officer
Stephanie Cox, Senior Democratic Services Officer

Before the start of the meeting, the Mayor explained some general housekeeping as the meeting was being held in a different venue, and advised on the process for considering Item 6, Frost Estate Community Governance Review.

The Mayor then 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.

54. Minutes

The Minutes of the meeting of the Council, held on 22 July 2015, were approved as a correct record.

55. Items of Urgent Business

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

56. Declaration of Interests

Councillor Churchman declared a non-pecuniary interest in respect of Agenda Item 6, Frost Estate Community Governance Review, as a family member resided on the Frost Estate in Corringham. He affirmed that this would not affect his decision and that he had an open mind throughout the public consultation process.

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

The Mayor advised that she had not intended to make any comments before the extraordinary meeting of Council, but that something had come to mind which she felt deserved to be highlighted.

The Mayor reported that one hundred years ago on 30 August 1915 an awful tragedy took place on the Thames off from Purfleet. It was further reported that sixteen young cadets and an officer, all from the Training Ship Cornwall, were killed when the boat they were in was struck by a government steam tug which had failed to give way to sail. The cadets were buried in a mass grave alongside their officer who died with them, at St Clement's Church in West Thurrock.

The Mayor advised that an open day would be held at St Clement's Church on Sunday 30 August 2015 from 12 noon to 4.30 pm, where a remembrance ceremony would also take place, and encouraged those present to attend.

58. Frost Estate Community Governance Review

Mr Bull, Interim Chief Executive, introduced the report which presented the outcomes of the community governance review and requested Council to consider additional information in order to decide whether it wished to change the community governance arrangements for the Frost Estate and create a new Parish Council, or whether it considered that there should be no changes to the governance arrangements for the area. In introducing the report, the following key points were highlighted:

- 355 properties had been surveyed and 715 questionnaires delivered during September 2014.
- During the Stage 1 Consultation process 357 responses had been received which equated to 49.93% of the electorate. Of those 299 indicated a preference for a Parish Council, which was 83.75% of the 357 voters (41.81% of the electorate).

- During the Stage 2 Consultation process, 380 residents had agreed to a Parish Council, 70.9% of 536 responses, in comparison to 156 who disagreed which equated to 29.1% of responses.
- 369 respondents agreed to 9 Parish Councillors if a Parish Council was created, which would result in 7 Parish Councillors for the Frost Estate East Ward and 2 for the Frost Estate West Ward.
- That in March 2015 Council deferred the decision on a Parish Council in order to address the key issues.
- That in July 2015 a public meeting with senior council officers had been held and attended by over 200 residents.
- In August 2015 a meeting with those for and against the Parish Council had been convened.
- That if a Parish Council was created Thurrock Council would remain the Council Tax billing authority.
- An example of the householder charges for each property band was provided based upon a £38,700 precept, which equated to a £99 charge for band D properties, £66 for band A (or £50 if the resident was entitled to a 25% discount) and £143 for a band F property.
- That if created the first Parish Council election could not be held until May 2016, which would result in the first precept being set from April 2017, which thereby would result in any scheme implementation taking two years.

The Interim Chief Executive further reported that following discussions with the Frost Estate Residents Association (FERA) and the Against Parish Council Committee (APCC), he felt that a consensus had been reached so that if a Parish Council was agreed both organisations would work together to help form the Shadow Parish Council. Conversely if the Parish Council was not agreed both organisations could work together to form a charity or Limited Company in order to create a legal entity which would be eligible to bid for funding.

Members were advised of the possible options going forward, and asked to consider both the points outlined in the report and the weight given to the following matters, which had been raised during the last two meetings the Interim Chief Executive had chaired with Frost Estate residents:

- That during the Stage 2 Consultation process over 70% residents had voted in favour of a Parish Council and over 29% had opposed its creation, but subsequently it could be argued that residents now had a better understanding of the issues.
- That a new petition with 298 signatures against the formation of a Parish Council had been received earlier in the month, and that some who had signed it stated they had initially voted in favour of a Parish Council but had since changed their mind.

The Interim Chief Executive recognised that the decision on whether to establish a Parish Council on the Frost Estate was not an easy one, and that in deciding which of the two options to take forward, asked Members to

consider future relations between residents and the importance of maintaining community cohesion.

At 7.20 pm Members agreed to suspend Council Procedure Rules for 45 minutes in order to allow for statements and questions from members of the Public (in accordance with Council Procedure rule 25.1, Chapter 2, Part 2 of the Council Constitution).

The Mayor reminded registered public speakers that they each had 3 minutes to speak and would be dealt with in the order in which statements and questions had been received, as detailed below:

- Mr Parker observed that he was in opposition to the formation of a Parish Council and stated that 70% of the 'yes' vote only equated to 53% of the registered electorate of the Frost Estate. He felt that those who had voted 'yes' had done so at a time without full knowledge or significant disclosure of the facts and that this had been substantiated by Councillor J. Kent's proposal to defer the decision due to concerns highlighted through the Stage 2 Consultation process. As a result he questioned the validity of the results of the Stage 2 Consultation, which was supported by the receipt of a petition against the Parish Council which contained almost 300 signatures. He called upon the Council to consider the alternatives, and in doing so made reference to the Council's promises through the Customer Charter and Thurrock Vision.
- Mr Thorogood explained that he wanted the best for the Frost Estate, and a cohesive group to work together to improve the condition of the roads in order to improve safety for motorists, pedestrians and cyclists. He highlighted that the APCC had obtained a quotation of £14,000 just to repair one intersection of the estate and felt that without a Parish Council it would be unsustainable to implement. He further observed that if a Parish Council was not agreed the democratic vote of residents would have been disregarded, as the results of both stages of the public consultation had been a resounding 'yes'.
- Mr Plant observed that more detailed information had become available after the two consultations had taken place and felt that if a democratic decision was to be made regarding the Parish Council it should take into account the latest developments, which included the petition signed by nearly 300 residents who were in objection to the Parish Council. He further emphasised that the number of responses to the consultation against the Parish Council equated to less than half of the registered electorate and argued that a Parish Council should be formed.
- Mr Noble explained that at the first ever public meeting held with the then local Ward Councillor and MP regarding the issues of roads and waste collections, it was made clear that Thurrock Council was

not responsible for the maintenance of the un-adopted roads of the Frost Estate and it was suggested that residents could make voluntary contributions to maintain the roads and the frontages. He felt that at this meeting there was a general feeling among those in attendance that this was not wanted and therefore the Frost Estate Residents Association (FERA) was created in order to bring together residents in a legitimate way in an attempt to identify a fair solution to solve the problems of the roads on the estate. He recognised that FERA had made some mistakes during the public consultation and community governance review process, but affirmed that FERA had always tried to act in good faith. He acknowledged that the beginning of the process FERA had been unaware that any precept must be raised in proportion with Council Tax Bands and not distributed equally among each household, however felt that a Parish Council would foster a long-term solution for residents of the estate. He called on the Council to establish the Parish Council, without which residents would have no legal legitimacy to collect money to make the much needed road repairs.

- Mr Rayner asked members to consider the best long-term solution for the Frost Estate, to vote for a Parish Council, and not to opt for an alternative short-term solution. He observed that 47.5% of respondents were against the Parish Council, compared with 53.6% who were in support. Whilst he recognised that this was finely balanced he expressed a view that petitions could be prone to bias as it was dependent on how the information was presented to residents before they signed. He stated that if Members voted 'no' for a Parish Council, FERA would work with the APCC to attempt the road repairs through voluntary contributions, however he explained that FERA had tried this in the past and it had been unsuccessful. He felt that people would not come together to repair the roads and that if Members voted 'no' it would be a short-term solution.
- Mr Gorham appreciated the comments that had been made before him by other residents, but felt that it was unfair properties on the higher Council Tax Band would pay a higher precept in order to repair roads elsewhere on the estate, when their road was in good order and would remain untouched. He felt that the creation of a Limited Company or charity would be a fairer, quicker and cheaper mechanism to improve the condition of the roads on the estate, and that through a combination of bidding for funding and voluntary householder contributions – through Community Fun Days for example – the required funds could be raised to carry out the much needed repairs, such as on the junction of Central Avenue and Giffords Cross. He appreciated that the consultations had produced hard data but highlighted the responses only represented 53% of the registered electorate. He emphasised that he wanted the community to come together and not be divided, and felt that the Parish Council was not the right solution.

- Ms. Barker stated that she was in opposition to the creation of a Parish Council and felt that FERA had led residents in the wrong direction as residents had been un-informed when the original petition was circulated. She highlighted that as more information had become available, particularly since June 2015, people had changed their minds as they had become better informed. Ms. Barker emphasised that a Parish Council would take 2 years to set up, which combined with 9 Parish Councillors, she felt would carry too much of a risk as they could decide to charge much more than the suggested precept. In summary she observed that FERA and APCC agreed on the same goal but not on the best route to get there, and explained that in other parts of the Country groups of residents had been successful in bidding for funding to improve their areas.
- Mr O'Rourke informed Members that he had originally been in favour of the Parish Council but at the time was unsure of the full implications. As time had passed he explained that he had changed his view, as had others which was highlighted through the most recent petition that contained almost 300 signatures in opposition. He stated that he had surveyed residents when the petition was conducted and that most would find a one-off contribution of £50 or so acceptable in order to repair the crossroads. In the spirit of community and to foster cohesion he felt the establishment of a Community Environmental Development Fund was favourable as residents could make voluntary contributions to bring roads up to an acceptable standard without having to be tied into an annual imposed precept.
- Mr Ravenhill explained that at the first meeting MP Stephen Metcalfe and the then local Ward Councillor Mark Coxshall had advised that the establishment of a Parish Council was the best way forward, subsequent to which FERA was founded. He highlighted that of the 9,000 Parish Councils that were already in existence around the Country not one dealt with highways repairs and maintenance, and that if established on the Frost Estate it would be a risky precedence. He reported that since the public meeting held in June 2015 residents had been better informed, which resulted in the most recent petition of almost 300 residents in opposition. He added that the APCC had attempted to create an alliance with FERA and the votes were now in the hands of Councillors. He strongly urged all Members to vote 'no' to a Parish Council.
- Ms. Lindsay explained that she was in opposition of the Parish Council and highlighted a similar instance in Linford where there were also un-adopted roads many years ago. She felt that the Parish Council would be a liability as there would be empty costs of running of a Parish Council that would need to be met by a precept

before the funds could be spent on improvements. She further reported that the majority of residents would have no real idea of how a Parish Council should be run and called on Members to think carefully about the results and whether it was right that they should be swayed by the initial figures arising from the public consultation and petition when much had changed. She called on Members to make the right decision to protect the unique area of the Frost Estate which needed to be maintained.

The Mayor thanked all the public speakers for their statements and asked the three residents who submitted questions to read their questions as follows:

- Mr Moore stated that he respected all residents views, even those he did not agree with, but was concerned that Frost Estate residents did not understand the real costs involved as there had not been a strong enough debate in the early stages of the review process. He highlighted that a vote had been undertaken before the costs were known and asked whether Thurrock Council was 100% sure that the consultation process was carried out in and presented to the residents, without any persuasion or misleading information?

It was of Mr Moore's view that it was not and that when the residents voted, they voted without prior knowledge of the costs, the concessions and the functionality and authority that a Parish Council had, and therefore the process was flawed.

- Mr Manning observed that something had to be done but felt that a Parish Council was not the correct way forward, as the precept did not need to be spent on hanging baskets and benches. He explained that he lived at the end of York Avenue adjoining Brampton Avenue and that in order to prevent through traffic from York Avenue into Brampton Avenue concrete bollards had been erected thereby closing the road to cars and motorcycles. He requested assurances that if or when any road repairs should take place these bollards would remain in place thus preventing York Avenue becoming part of a dangerous rat run.
- Mr Wheeler questioned if the Full Council decided not to vote yes for a Parish Council for the Frost Estate, could they tell the people of the Frost Estate tonight the Council's immediate plans to solve the problems of the roads and pavements and other problems that people of the Frost Estate were looking forward to being resolved if a Parish Council was set up and approved by a Parish Council.

He further asked whether there were any plans to use Council emergency funding to solve the worsening roads and pavement problems or is Thurrock Council's plan to use government funding already received to make cycle ways and repair roads and pavements by implementing a cycle way scheme for the Frost Estate.

The Interim Chief Executive asked the Deputy Head of Legal Services and Monitoring Officer and the Head of Highways to respond to the questions as appropriate and the following responses were received:

- In response to Mr Moore's question, the Deputy Head of Legal Services and Monitoring Officer explained that he had not been involved in the original consultation but that it had been correctly undertaken by the Authority in accordance with its duties under the Local Government and Public Involvement in Health Act 2007, as amended and the relevant statutory guidance. He personally felt that the Authority had in fact exceeded, both in detail and the extent of consultation, normally provided in community governance reviews. He further added that the consultation was both impartial and contained extensive detail on the role and function of parish councils in that it clearly received numerous representations during both the Stage 1 and Stage 2 Consultations which were legal consultations.
- In response to Mr Manning's question, the Head of Highways explained that the roads in question were not adopted and local residents were responsible for organising repairs. However, should there be proposals to open up access on to Council roads, the Council as Local Highway Authority would have a view, with particular emphasis on safety.
- In response to Mr Wheeler's question, the Head of Highways explained that the mechanism whereby local residents address maintenance issues on private streets remained a matter for residents to decide. There were no plans to use the Council's emergency reserves to address this matter, or to redirect government funding which had been already given to the Council for agreed purposes.

At 8.10 pm the meeting moved into Member Debate, thereby the suspension of Council Procedure Rules was lifted.

Councillor Halden recognised that the decision being made was in relation to the condition of roads and community cohesion. He explained that Members were at the meeting to make a decision based upon 70% of the vote and added that he believed in the power of referenda and direct democracy. He felt that he would not have much integrity if he opposed the creation of the Parish Council and accepted the principle of voting down people's views, which he believed would destroy of any future plans of community action.

Councillor Halden reported that people would still have the right to challenge a Parish Council and Parish Councillors would be elected to make decisions and not avoid the issues.

Councillor Snell observed that when the original discussions took place no other option was presented to residents apart from the creation of a Parish Council, and felt that it was convenient that some of those particular Councillors involved were not in attendance at the meeting. He acknowledged that informative public meetings should have been held much earlier so that residents could be better appraised of the options, however as that had not happened the community appeared to have been divided from the beginning.

Councillor Snell added that consultations had been undertaken and encouraged residents not to vote when ill-informed in the future as the results would stand as a valid democratic process, and in light of this he felt that he had no choice but to follow the democratic mandate and support the creation of the Parish Council. Nevertheless he observed that lessons had to be learnt should a community undertake a similar review again.

Councillor Stewart, as local ward Councillor, recognised the Council had worked tirelessly with residents but there were no guaranteed solutions. She reported that the community were cohesive but it could not be agreed on the best way forward to repair the roads and felt that in light of the two consultations the fairest way forward was to create a Parish Council.

Councillor Ray advised that he had visited the Frost Estate and researched other Parish Councils, subsequent to which he felt that the Frost Estate and proposed Parish Council area was too small for it to be viable. He stated that there would be an ongoing cost to householders that would not be fixed, and coupled with the cost of administering the Parish Council itself, was concerned about the level of detail that had been taken into consideration. He explained that he was unimpressed with the poor condition of the cross roads but felt that a Parish Council was not needed simply to address highways issues.

Councillor Roast thanked all speakers from FERA and APCC for their contributions and explained that for a number of years residents had put their hands in their own pockets to repair the roads, which they had done a brilliant job on. However, he reported that significant sums of money was now needed in order to repair intersections, and felt that the formation of a Parish Council would be welcomed by the majority and would be a fair solution that would provide security for years to come.

Councillor G. Rice reported that there were a considerable number of Parish Council's elsewhere in Essex and that resident's in some of these Parish Councils paid an additional £200 a year on top of their Council Tax in a precept. He felt that Frost Estate residents had been unaware of the additional financial commitment at the time of the public consultations and felt that another public vote or consultation should be arranged so that residents could undertake a final vote with knowledge of the full financial implications.

Councillor MacPherson thanked the public speakers and recognised that no Parish Council had ever tackled the issue of road repairs and maintenance through a precept. As there was an opportunity for the community to come

together as a Limited Company or charity in order to apply for funding to repair the roads, she felt that this was the best solution to the problem, which would also assist others in Thurrock as the fund would be open to people across the Borough.

Councillor J. Kent recognised that this was a tough decision, as seldom did Members make a decision that affected a community for 20, 30, 40 years or more, and explained that as everyone would have to pay together there had to be strong reasons for the formation of a Parish Council. He reported that up and down the country Parish Councils struggled to recruit Parish Councillors but accepted the views of all residents.

Councillor J. Kent emphasised that a public consultation was not a referendum and that there was a significant difference between the two. He explained that in light of the almost 300 signature petition and statements made by residents who had been initially in favour of a Parish Council but were now against, although he had been unsure at the beginning of the meeting how he would vote he now was against the formation of a Parish Council.

Councillor Hamilton was concerned that the full cost and expenses of Parish Council had not been clear when residents had voted in the public consultation and added that there would likely be additional costs for drainage and surveyors.

Councillor Jones felt that a Parish Council should bring the community together and not be divisive. He recognised that the process would have benefitted from public meetings in the early stages to fully inform residents before the public consultations were undertaken, and that lessons needed to be learnt for future. He thanked Mr Bull for his efforts and believed that if Mr Bull had been leading on the process from the beginning such public meetings would have happened.

Councillor Jones further reported that there were over 9,000 Parish Councils around the country and that none of these were tasked with the remit of highways maintenance, nevertheless he felt that the results of the public consultation could not be ignored.

Following the debate the Mayor proposed to undertake a vote in respect of recommendation 1.1 first, and if agreed that a Parish Council would be created, advised that a vote for recommendations 1.2 – 1.8 would then be taken en-bloc.

Councillor G. Rice proposed that he would like to introduce a new recommendation that called on the Council to hold one more vote with the Frost Estate residents, who could then vote 'for' or 'against' the Parish Council, in order to offer some clarity now that further information about the full impact of a Parish Council was known.

The Mayor advised that it was not possible to introduce a new recommendation at this late stage and proposed to move to the vote.

At this point in the meeting there were a number of outbursts from the public gallery.

In response the Interim Chief Executive, Mr Bull, provided an explanation as to why it was difficult to introduce a new recommendation at this stage of the process.

The Interim Chief Executive explained that the process to decide whether to establish a Parish Council had to be completed within one year, and that an extraordinary meeting of Council had been convened as this period was soon to expire. He reported that there was no further Council meeting scheduled before the next meeting, due to be held in September, which was why a decision needed to be made this evening as a further vote could not be organised within the short timeframe.

The Interim Chief Executive added that he felt the only option which allowed for another vote to be undertaken would be to go through the entire process again, which would mean voting against the creation of a Parish Council.

The Mayor thanked Mr Bull and moved on to the vote of recommendation 1.1, whereby the Council was requested to consider whether, in light of the additional information presented and the recommendations of the General Services Committee, the interests of effective and convenient local government and community identities for the Frost Estate would be:

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

Upon being put to the vote, 17 Members voted in favour of recommendation 1.1 (a) for the creation of a Parish Council, 20 Members voted against the creation of the Parish Council in support of 1.1 (b) and 1 abstained, whereupon the Chair declared the recommendation to create a new Parish Council was lost.

RESOLVED:

That in light of the additional information presented and the recommendations of the General Services Committee, the interests of effective and convenient local government and community identities for the Frost Estate would be best served by remaining unchanged.

At 8.44 pm the Mayor advised that there would be a short break to allow for members of the public to leave the meeting, if they wished to do so.

At 8.49 pm the Mayor reconvened the meeting.

59. Political Balance

The Mayor advised that the report requested the Council to confirm the calculations relating to the allocation of seats on committees following Councillor Churchman ceasing to be a member of the UKIP group, as stated at Full Council on 22 July 2015.

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

RESOLVED:

That the allocation of seats, as set out in Appendix 1 and 2.16, be approved.

60. 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 in light of the changes to the Political Balance which had been agreed.

The Leader of the Council advised that he wished to make a number of changes to appointments; however he would confirm these during the Council meeting in September.

The Leader of the UKIP group informed Members that he wished to make the following changes:

- for Councillor Snell to be the UKIP appointed representative on the Health Overview and Scrutiny Committee, and thereby to remove Councillor Cherry from the membership of the Health Overview and Scrutiny Committee in accordance with the revised political balance.
- for Councillor Churchman to be removed as a UKIP representative on the Licensing Committee.
- for Councillor Chris Baker to be appointed to the UKIP vacancy on the Planning Committee.
- for Councillor Chris Baker to be appointed as a member of the Planning, Transport and Regeneration Overview and Scrutiny Committee to replace Councillor Churchman.

Councillor Churchman, Independent Member, advised that no changes would be made to the appointments of Independent Members until himself and Councillor Ray had an opportunity to consult with Councillor Palmer, who was unfortunately unwell.

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

RESOLVED:

1. That Councillor Snell be appointed as a member of the Health Overview and Scrutiny Committee.
2. That Councillor Cherry be removed as a member of the Health Overview and Scrutiny Committee.
3. That Councillor Churchman be removed as a UKIP member from the Licensing Committee.
4. That Councillor Chris Baker be appointed as a member of the Planning Committee.
5. That Councillor Chris Baker be appointed as a member of the Planning, Transport and Regeneration Overview and Scrutiny Committee to replace Councillor Churchman.

61. Questions from Members of the Public

The Mayor advised that no questions from members of the public had been received.

The meeting finished at 8.52 pm

Approved as a true and correct record

CHAIR

DATE

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