

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

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

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

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

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

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

FERA explored 5 options in relation to repairing the roads:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The meeting finished at 9.35pm