

Notes of the Meeting between FERA and APCC at Thurrock Council held on 12 August 2015 at 6.00pm

Present:

FERA
Mr John Cooper, Mr Michael Thorogood, Ms Janet Deeney, Mr Alan Rayner and Mr David Noble.

APCC
Mr Joe Ravenhill, Mr Emerson Goreham, Ms Karen Barker, Mr Richard Parker and Mr Peter O'Rourke

Ward Members
Councillors Richard Speight, Colin Churchman, Deborah Stewart and Roy Jones

Group Leaders
Councillors John Kent and Robert Gledhill

Officers
David Bull – Interim Chief Executive
Sean Clark – Head of Finance
Ann Osola – Head of Highways
David Lawson – Monitoring Officer
Matthew Boulter – Principal Democratic Services Officer
Natalie Warren – Communities and Equalities Manager

1. Introduction

The Chief Executive outlined the principles of the meeting and explained who had been invited to attend and contribute. The meeting was informal and no decisions would be made although an official note would be taken for public record. All present agreed the approach was fair and that the proposed format of the Council meeting to be held in Hassenbrook School Hall on 26 August was agreeable.

Officers provided a brief overview of the issues to date and explained that following two Council run surveys, the majority of residents who had responded were in favour of a parish council. It was also stated that a parish council tax (precept) was collected on behalf of the parish council by Thurrock Council and this tax was not optional. The amount that residents would have to pay in parish precept would vary depending on the banding of the person's property and also their personal status including whether they were of non-working age, receiving benefits, single occupancy or they were a student among other factors. A Parish Council could raise as much money as it wished and would have the power to borrow money as well to invest in the community. These decisions would rest with the parish councillors. Members of the APCC stated the surveys had outlined that a universal precept could be applied to all residents and this was now shown not to be the case.

The Monitoring Officer informed the meeting that the council meeting on 26 August would decide on the future of a parish council based on community cohesion and better governance. The Council had the power to consider

alternatives such as a management company or a residents association. There was some discussion on the purchase of the roads and it was clarified that a frontager or management company could repair the road without the legal requirement to own the road. A parish council would need to own the road (under 'General Power of Competence') to undertake repairs as a corporate entity. If a Parish Council was to repair roads it would need to look to seek cost recovery from the frontagers in the first instance. If a parish council owned the road and repaired it, they could be liable for claims against them from any accidents incurred through the state of the road.

Officers stated there were no guarantees if a parish council was formed that roads would be repaired as the collection and spending of money would rest on the actions of the parish councillors and their decisions. The decision on the future of a parish council was postponed at March's Full Council meeting because the Council wished for clarity and harmony amongst the community.

The Chief Executive stated that officers had undertaken further research which suggested a Community Environmental Development Fund could be established to allow communities across Thurrock to apply for funds to improve community environments. This could include improvements to unadopted roads. All applications would be assessed using a set of criteria to make the system fair for all. Every year the list of applications could be reviewed by the portfolio holder and officers to award the funds. An aspect of the scheme would be for the communities to raise partial funds themselves to unlock the funding from the scheme. It was noted that the Frost Estate would need to compete with other communities in Thurrock for these funds but it would be in a favourable position if it could demonstrate it had raised some funds on its own initiative. It was speculated that the fund could be available as quickly as April 2016.

2. Comments by FERA

Representatives of FERA stated they had held their first public meeting three years ago where people had expressed their wish to repair the roads and their ward councillor and the MP had informed them that the best way to achieve this was through a parish council. They had been told that a management company would not have the requisite power.

They had acted openly ever since and had no intention of misleading people and they too were learning about the implications of collecting tax and road repairs as the issue had progressed this last year. They had acted in good faith and had originally excluded Lampitts Hill Avenue from their petition only to be told that it had to be included because it was part of the legal entity that was the Frost Estate. They felt, however, that a parish council was a fair way to collect money off everyone and asking for money privately was very difficult to achieve. FERA felt they wanted to secure the estate for the next fifty years and all residents would benefit financially from their properties by having good roads outside their house.

FERA felt it unfair that four properties that fronted Gifford's Crossroads should have the burden of paying for its repair as it was a commonly used junction that everyone used. FERA stated they had been wrongly advised that they could apply a uniform precept to all properties. They had based the original £100 precept figure on a quote from a contractor who had estimated £30-40,000 to repair the crossroads. They had also understood that they would need to buy the roads and obtain public liability insurance.

One representative of FERA felt the vote at March's Council meeting had fallen along political lines and in August he predicted they would vote against the parish council because they did not want to tackle the issue. The Chief Executive responded that no decision was certain and he would allow group leaders to speak at the end of the meeting.

FERA raised the issue of cycle routes and felt strongly that if two cycle routes could be provided through the estate at strategic points, it would solve the majority of the road repair issues. Officers confirmed that the two routes under question were on the long list of borough wide projects to be considered. Officers stressed that the cycle route funding was for cycle routes and not the general repair of the road and therefore the work would focus on verges over and above the roads. A representative of FERA thought that SusTrans guidance allowed for the routes to be on the road. Officers stated they could explore this shared use option and would speak with SusTrans to understand what options were viable. The Chief Executive added that this initiative could be used in conjunction with the proposed community fund.

FERA pointed out that accidents were happening on the estate regularly due to poor state of roads and pavements.

3. Comments by APCC

The APCC presented a petition against a parish council which contained nearly 300 signatures.

The APCC agreed with FERA that urgent actions were required to repair the roads but a parish council would take too long to establish to get the roads fixed. They felt FERA had not been underhand but they had been misled and highlighted that 47% of residents on the estate had not returned a survey response.

It was confirmed that the petition was signed by residents who had originally voted yes to a parish council and in the course of building the petition APCC felt that many residents were in favour of paying money to repair the Gifford Crossroads with a potential to then contribute to the repair of other major junctions moving forwards. This included residents on Lampitts Hill Avenue. APCC had received a quote to repair the crossroads for £14,000. It was suggested that money could be collected and held by Thurrock Council to ensure no fraudulent activity.

It was highlighted that people wanted to be given a choice to pay and not forced to pay and many residents did not have the money to spare to be forced to pay via a parish precept. A parish council precept would be higher for those properties that were on the roads that had already paid for their roads to be repaired. APCC thought this was not fair.

Discussion took place on how the boundary of the Estate was decided and it was confirmed the Council had received a petition asking for a community governance review and the boundary had been defined in this.

The APCC were not against FERA and felt they shared a passion for the Estate. There was a proven track record on the Estate that residents could band together to repair their particular roads and this should be pursued. The APCC stated they would be happy to work with FERA and the community to collect funds for the Gifford's Crossroads.

4. Group Leader Comment

Councillor Kent understood that the Council would face a difficult decision on 26 August and clarified that the Council had not already voted against a parish council in March but voted to postpone the decision for better information to be fed to the community. This vote had been a free vote where councillors had voted across party lines.

Councillor Gledhill confirmed that no whipping of Conservative party members had occurred in March and that the survey results from the community governance review could not be ignored. Councillor Gledhill added that he would be investigating a few of the issues raised at this meeting tomorrow at the Council and congratulated the residents on a mature discussion.

Councillor Jones felt that the public meetings should have happened earlier and if they had, he felt some of the issues and disagreements could have been avoided or resolved. The council wanted to bring the community together and not drive them apart. He had asked previously to see if the boundary of the proposed parish could be changed and he had been told it could not.

5. Ward Member Comments

All ward members present stated they would vote personally and not along party political lines on 26 August. Councillor Stewart hoped the community could talk with each other much more and explore options together. She highlighted that two quotes for crossroad repairs had been sourced and wondered whether a third could be found and the two groups work to agree the best option. The ward members felt that debate had been in good spirit and shown both groups in a good light.

It was stated by a resident that the community was cohesive; they just disagreed on how roads were to be repaired.

6. Conclusion

The Chief Executive expressed his view that the APCC and FERA should meet in private to discuss their shared interests and to see if the situation could be moved on collaboratively. This did not mean the debate on the parish council needed to stop. This new collaborative group could then inform him of their views which he could express at the council meeting on 26 August and which they could also raise through the public speaking section of the meeting. The Chief Executive was happy to attend this private meeting.

Both groups agreed to this proposal and FERA stressed that a long lasting group needed to exist to manage the interests of residents moving forward.

Councillor Kent was given the final comment and he asked the groups to use the 45 minutes public speaking section at the council meeting on 26 August to give councillors evidence of what they should decide.

The meeting finished at 8.07 pm