

CUSTOMER FOCUS SCRUTINY COMMITTEE

29 June 2023

Present:

Councillor Matthew Vizard (Chair)

Councillors Rees, Atkinson, Begley, Fullam, Holland, Miller, Patrick, Sparling, Wardle and Warwick

Apologies:

Councillors Ellis-Jones and Harvey

Also present:

Place Project Officer, Democratic Services Manager and Democratic Services Officer (HB)

In attendance:

Councillor Denning Portfolio Holder for Council Housing Development and Support Services

Councillor Pearce Portfolio Holder for Communities and Homelessness Prevention

Councillor Williams Portfolio Holder for Place and City Management

17 Minutes

The minutes of the meeting of the Customer Focus Scrutiny Committee held on 30 March 2023 were taken as read, approved and signed by the Chair as correct.

18 Declarations of Interest

No declarations of interest were made by Members.

19 Questions from the Public under Standing Order No. 19

No questions from members of the public were received.

20 River Exe

The Chair welcomed the following representatives to the meeting, who had been invited following a Notice of Motion submitted to Council on 21 February 2023 by Councillor Read. Each representative of the three bodies introduced themselves:-

South West Water

Mark Worsfold, Director of Asset Management;
Alan Burrows, Director of Environmental Liaison and Culture; and
Vicky Garner, Partnership and Community Coordinator.

Environment Agency

Mark Rice, Area Director; and
Clarissa Newell, Area Environment Manager.

Natural England

Michaela Barwell, Operations Manager – Devon, Devon, Cornwall and Isles of Scilly Team.

The Place Project Officer advised Members of the City Council's role in respect of the River Exe. It did not have a significant remit as the Environment Agency was the responsible body for monitoring water quality and pollution levels. The Council, however also monitored conditions when there were intermittent pollution issues such as nutrients in the Canal and sewage discharge in the river with a particular ongoing focus on the condition of the Northbrook and Higher Leat. Generally, there were fewer problems manifesting themselves in the lower Estuary than upstream and, whilst conditions could be better, the overall condition of the River Exe was reasonable.

In accordance with Standing Order No. 45, Councillor Read was in attendance and explained the purpose of her Notice of Motion. The River Exe was an enormous asset to Exeter which was recognised to have a huge benefit to the health and wellbeing of Exeter's residents and of great importance to biodiversity and wildlife. Residents were increasingly concerned over pollution levels with sewage discharges, which were particularly evident after heavy rain. With wild water swimming becoming increasingly popular, especially with warmer summers, the river was used for bathing and a citizens testing programme had been instigated to help provide data to the authorities. As a Harbour Board Member, Councillor Read referred to its Business Statement of "leading on the environmental stewardship of the River". Whilst 12% of pollutants were the responsibility of South West Water a further 88% should also be accountable including agricultural runoff, badly managed septic tanks, road runoff and misconnected domestic drains all impacted adversely on the health of rivers in general and the Exe specifically. Moreover, South West Water's clean up target was over an exceptionally long period. Other points raised were:-

- could South West Water confirm that the final Drainage and Wastewater Management Plans (DWMP) had been published?;
- does the Local Plan review recognise the impact of, and legislate for, the impact of new developments on treatment works?;
- do South West Water and the Environment Agency measure the impact of polluted water on wildlife along the river banks?; and
- when would real time and accurate data be made available on the location and the volume of sewage spills?

South West Water

Mark Worsfold and Alan Burrows advised that the Environment Agency was the monitoring body of South West Water's environmental regime with Ofwat the financial and economic regulator. South West Water's Drainage and Waste Water Management Plan 2025 to 2040 had been published at the end of May setting out proposed investment of some £3 billion over this period. Other water companies had opted for a longer time period of up to 2050 in their plans. There were 1,342 storm overflows in the region with 500 up to standard, but works necessary for the remaining 800. It was anticipated that 400 would be upgraded by 2030 and the cost of upgrading storm overflows was estimated at £200 million a year.

He responded to the following questions from Councillor Rees:-

1. When will we get access to real time alerts on all Combined Sewer Overflows into the River Exe?

The Water Fit Live programme had been published setting out two phases for providing real time data for storm overflow discharge for Exmouth Beach and

some inland waterways with a third phase roll out between October and December to cover all of inland storm overflows. In parallel, Water UK would require data from all water companies to provide a national picture by 2024.

2 What is the maintenance regime to reduce overflows and continuous preventative maintenance to ensure they stay reduced?

The 1,342 storm overflows were installed in the last 12 years and there was an ongoing maintenance regime as part of continuous preventative measures. Additional measures were undertaken where there were high levels of spillage. Permits are issued by the Environment Agency requiring 90% of overflows to be operational.

3 Why was a new Sewage Waste Treatment works not built at Cranbrook development? Where does that sewage go from Cranbrook? Where and how is it treated? How will you cope with another proposed 890 houses there?

At present, Cranbrook sewage treatment was undertaken at Countess Wear but, ultimately, a new treatment works would be provided East of Exeter which is in the planning stage taking into account additional housing developments both in Cranbrook and Woodbury, but there was some uncertainty at this stage until commitments were made to further housing developments. Plans were brought forward in discussion with the Environment Agency and local authorities and a meeting would be held at the beginning of July with City Council planners to assess the impact of forthcoming developments within the city and the role the Local Plan can play.

4 When will a new high capacity Sewage Waste Water Treatment Works be built and where?

New works required at least 10 years to plan, develop and construct.

5. Should sewage be transported by tanker? Is it acceptable that Exmouth is part of Exeter's sewage treatment system?

Transportation by tankers was generally only used in an emergency when treatment works failed and in moving sludge between centres to ensure a balanced distribution. Because of the current Health and Safety Review of the Axminster works, tankers were undertaking transfers to Countess Wear.

6. Is it true that a shortage of treatment chemicals and HGV drivers had an impact on the frequency of sewage overflows and discharges in 2020 and 2021? Has this impact now been addressed or is there still a shortage of treatment chemicals and drivers?

Concerns over the unavailability of treatment chemicals from Europe as a result of Brexit had not materialised.

The South West Water representatives provided further information in response to Members' queries:-

- the company was working jointly with the Environment Agency and local authorities through Environmental Health teams to eradicate the number of misconnections which were largely a problem in respect of small scale house

- improvements and not large housing developments. Building Control departments were involved at the construction stage;
- plans for an East of Exeter works would have the dual advantage of not only serving Cranbrook and Woodbury, but also absorbing the capacity of future growth in Exeter as well as reducing existing load on Countess Wear;
 - in the next two years, a scheme would be introduced to reduce the odour problems at Countess Wear. There was limited land for expansion at Countess Wear as it was situated on an island;
 - the regulations within the Environment Act 2021 required the installation of volume monitoring equipment and South West Water will provide this real time data in its 2,300 monitors across the region within the next 10 years;
 - there are 80 storage tanks across the region, many of which are self-cleaning;
 - Environment Agency permits include requirements to assess dry weather flows;
 - the standard of monitoring storm overflows varies across Europe from poor examples such as Italy to high performers such as Holland. The UK is one of only a few countries who are transparent in the capture and dissemination of data;
 - local authorities have a key role in separating out surface water from foul water;
 - accumulation of wet wipes in drainage systems is a major problem with approximately 6,400 blockages a year;
 - South West Water continue to undertake pest control work along river banks, largely as a Health and Safety issue for its staff;
 - Environment Agency permits are also required for garages, quarries, campsites and caravan parks etc., with data required on the numbers in campsites and caravan parks;
 - QR code generators have been installed for recreational users to indicate their use of the river amenities for data sharing;
 - building trusting relationships between key agencies is also an important requirement; and
 - South West Water is also required to pay dividends to its shareholders who, as with the banks, provide the initial investment to undertake the vast improvement programmes planned.

Environment Agency

The following responses had been provided by the Environment Agency to questions from Councillor Rees:-

1. **South West Water has a number of Emergency Overflows with active Event Duration Monitoring (EDM) that do not appear in the annual EDM return including two that spilled in the bathing season last year. How does the Environment Agency intend to ensure all overflows are monitored effectively?**

The Environment Agency has shaped the Event Duration Monitoring (EDM) programme for storm overflows through promoting and securing monitor installation through its AMP6 (2015-2020) and AMP7 (2020-2025) Water Industry National Environment Programme (WINEP). We are securing EDM monitoring and reporting through conditions on Water and Sewerage Company permits to discharge. At the end of 2022, in England 91% of storm overflows had EDM installed. We expect this to be at 100% coverage by December 2023.

South West Water have made good progress in installing and reporting their storm overflow performance via EDM. In 2022, South West Water had coverage of EDM on 99.3 % of their storm overflows

EDM Storm Overflow Annual Return Summary Reporting 2022

Table 1: 2022 EDM Headlines	Anglian Water (AWW)	Deer Cymru Welsh Water (DCWW) (In England)	Northumbrian Water (NW)	Severn Trent Water (STW)	South West Water (SWW)	South West Water (SWW)	South West Water (SWW)	Thames Water (TW)	United Utilities (UU)	Wessex Water (WWSW)	Yorkshire Water (YWS)
Total no. storm overflows listed in the annual return in 2022	1,552	126	1,564	2,466	1,342	978	777	2,254	1,300	2,221	
Total no. storm overflows with EDM commissioned	1,058	126	1,542	2,457	1,333	963	480	2,004	1,182	2,178	
% storm overflows listed with EDM commissioned	68.2%	100%	98.6%	99.6%	99.3%	98.5%	61.8%	88.9%	90.9%	98.1%	
Total no. storm overflows with spill data in 2022	1,054	120	1,463	2,438	1,323	939	472	1,971	1,182	2,118	
Average no. spills per storm overflow with spill data in 2022	15.3	23.3	20.3	18.4	28.5	17.8	17.0	35.1	18.5	25.6	
Average duration (hrs) per monitored spill event in 2022	5.6	3.4	3.6	5.6	7.7	8.8	9.3	6.1	5.9	4.3	

Through the Environment Act 2021, there was a duty on water and sewerage companies to report their EDM data in near real time (with one hour of discharges occurring) and to monitor the receiving water environment upstream and downstream of storm overflow and sewage treatment works discharges. This duty was on the water and sewerage companies.

The Environment Agency was supporting the Department for Environment, Food and Rural Affairs (Defra) in developing its technical standards around these new requirements and was considering its role in securing delivery by water and sewerage companies, including elements within the WINEP for PR24.

2. **The launch of WaterFit Live is good news for those using designated bathing waters but without consistent national standards for reporting, the water companies will develop their own reporting systems and own the narrative. Does the Environment Agency and Defra intend to consult on the development of national standards for reporting that meet all the requirements of Section 81 Environment Act 2021? Is the Environment Agency being consulted about the development of the new Environmental Data Hub by Water UK?**

Under the Environment Act 2021, water companies are required to publish near-real time data on discharges from storm overflows by the end of 2025. The role out of this data is being led by Defra. We are providing technical support to Defra in the development of secondary legislation which will set out further guidance on making this data publicly available.

The regulators role was to set strict permitted conditions for the use of storm overflows to protect the environment and communities. They monitored compliance with these permit conditions and held water companies to account if they were breached.

In April/May 2023, Defra consulted on its proposals and associated standards for:

Section 81 "Reporting on discharges from storm overflows" (within an hour of the discharge) and

Section 82 "Monitoring quality of water potentially affected by discharges"

The Environment Agency were aware of, and are supporting, Defra in developing their response to this consultation. They also welcomed water companies publishing accessible data so the public could see what was happening, but disclosure was only ever the beginning and people wanted to see tangible progress. The evidence from the EDM programme clearly showed there was no room for complacency and water companies had a long way to go. They needed to invest more in tackling storm overflow pollution. Any water companies in breach of their permits were acting illegally and must

act urgently to address any non-compliance. Only wider action through water company investment, better farming practices and simple steps taken in the home to prevent sewer misuse would help ensure there were healthier sewers, cleaner rivers and a better environment for all.

The Environment Agency had not directly engaged with Water UK on its activities in this arena but had engaged with the water companies directly and were aware of collaboration between water and sewerage companies in developing its response to these new duties upon them. They expected Water UK to be informed by Defra's consultation response and developing secondary legislation around standards.

3. What level of staff do you need to carry out your work fully in this region: monitor water quality, check and follow up incidents and bad practice; maintain data records and respond to public concerns? How much would this cost?

The Environment Agency were currently funded from permit application fees and subsistence fees as well as Grant in Aid (GiA) to carry out our regulation work. This contributed towards 22 Land and Water staff in Devon, Cornwall and Isles of Scilly who regulated the water company, as well as private discharge permits. They recharged permit holders for the work in attending incidents. In addition to this, they had a number of staff in monitoring teams, legal teams and environment planning teams, and staff who tracked Water Company performance.

Costs associated with South West Water specifically were difficult to estimate, as the staff do not solely work on water company regulation.

The Environment Agency recognised water companies were under performing, and this needed to change. They were planning to transform regulation of the water industry by creating senior regulatory specialist roles, in order to audit compliance with environmental law and further increase the technical skills of their regulatory staff. There would be a focus on revolutionising data by developing and implementing new tools to turn huge quantities of data into regulatory intelligence. These elements would provide the capacity and intelligence to significantly increase the time spent on regulating the water industry and directing effort to the highest risk issues and locations.

Mark Rice reported that, historically, the environmental performance of South West Water had been poor but there had been an improving trend since the end of last year and a further Environmental Performance Assessment was to be undertaken shortly. The Agency had a duty to hold water companies to account and prosecuted continuing breaches, although there was a time lag between incidents and cases appearing at court. There were significant other sources of pollution, particularly in the agricultural sector.

The Environment Agency representatives provided further information in response to Members' queries:-

- European legislation on water quality had been incorporated into UK law, Devon and Cornwall comparing favourably with the rest of the country due in part to its coastal locations. Bathing and wild water swimming was increasingly popular because of the physical and mental health benefits but, unlike Europe, the UK does not have as many inland bathing waters although, again, this was not such

an issue in this area. However, most water companies were not taking action to improve quality in this context and it is up to the public to press for action. There were 148 designated inland bathing areas in the area and information was available on the Environment Agency and Defra websites. In addition to water quality, land owners with bathing opportunities needed to check the wider health and safety attributes around safety issues;

- a pilot inland bathing waterway has been launched on the River Dart following an application by a local swimming group;
- assessment of the suitability of river bathing areas requires assessment of quantity as well as quality but significant investment would be required to monitor if the water is suitable for bathing and other recreational activities such as canoeing. The Environment Agency monitors the ecological health of the River Exe as well as tributaries including the Clyst and Crealy and can provide information on pollution levels to inform potential bathers and other users;
- the Environment Agency had established an Agricultural Task Force to encourage greater compliance within the farming community and can serve notices to enforce compliance. There had been an uptake in slurry tank purchase in recent years but it is slow progress and there has been significant non-compliance, for example, in the River Axe area. Greater involvement of Defra was required to encourage better use of farmland in areas of water storage, pond creation etc;
- the increasing political and media interest in water quality will increase the Government pressure to further tighten legislation;
- partnership working occurred through joint action with local authorities and membership of the South West Regional Flood and Coastal Committee; and
- in addition to major flood prevention schemes such as the River Exe, it is estimated that flood risk can be reduced by 10% by natural means and the Agency works jointly in this area with Natural England and the Devon Wildlife Trust. Of works in the region of £3 billion, some 50% of solutions have a natural base such as reed beds

Natural England

Michaela Barwell made the following comments:-

- Natural England was focussed more on habitat conditions as in Sites of Special Scientific Interest; and
- Natural England worked jointly with the Environment Agency in advising and incentivising farmers in areas such as stabilisation of water courses, grass control and maize management which were all focussed on limiting pollution and soil run off. Grants were also available to encourage better storage of waste on farms.

Customer Focus Scrutiny Committee noted the Notice of Motion agreed by Council on 21 February 2023 and the contributions from, and information provided by, the representatives of South West Water, the Environment Agency and Natural England, the Chair thanking all for attending.

The meeting adjourned at 19:17 and re-convened at 19:25.

21 **Presentation on the role of Scrutiny**

The Democratic Services Manager presented the role of scrutiny and its importance within the Council's democratic process in acting as a critical friend for the Authority through the two Scrutiny Committees - Strategic and Customer Focus. He advised that Bethan Evans of Governance Training and Consultancy Ltd. would hold a bespoke scrutiny training session on 7 September 2023.

The following points were highlighted in the presentation:-

- the Terms of Reference of the Customer Focus Scrutiny Committee covered corporate and financial performance monitoring, the annual budget setting process and service specific/operational matters.
- Scrutiny Committee Work Plan;
 - the Work Plan was set by the Scrutiny Programme Board which was chaired by Councillor Allcock, a non-Executive Member, and comprised of the Chairs and Deputies of both Committees;
 - the Work Plan was generated by Members of Scrutiny who were encouraged to submit a proforma to suggest areas of scrutiny and which was reviewed and commented on by the Strategic Management Board; and
 - the Scrutiny Programme Board reviewed the requests and assessed how the suggestions, as well as the Work Plan itself, aligned with the Council's priorities and resources.
- Role of Scrutiny was:-
 - to hold the Executive to account through "call in";
 - to assist with the review of Council policy and service delivery issues including budgets; and
 - enabled public engagement by asking questions about Council responsibilities.
- Call In Under Standing Order 17
 - Executive decisions could be called in if the process was either deemed deficient, failed to consider alternative action, failed to take account of relevant factors or the decision was wrong in fact or law;
 - a call in required seven Scrutiny members from either Scrutiny Committee;
 - after deliberation, Scrutiny may take no further action or refer back to Executive;
 - a call in does not apply to urgent matters or recommendations to Council; and
 - Executive can consider the recommendation of Scrutiny but decide to take no action.
- Forward Plan;
 - Democratic Services publish the Forward Plan on a monthly basis setting out all decisions that will be taken over the coming months; and
 - Councillors are given the opportunity to get involved in policy formulation before the Executive makes a decision on them by asking for a report to be brought to Scrutiny.

- Task and Finish Groups/Spotlight Reviews
 - Task and Finish reviews are a series of meetings to consider a specific issue; with recommendations presented to Scrutiny and Executive for consideration as part of the decision making process; and
 - Spotlight reviews look at one matter normally in one meeting.

In response to questions, the Democratic Services Manager advised that the proforma had been recently updated as requested by the Scrutiny Programme Board and that the proforma requests were added to the Work Plan which, if agreed by the Board, would be reported to the relevant Scrutiny Committee and ultimately included on the Scrutiny Bulletin. He also confirmed that seven Members from either Committee were required for a Call-In.

The Chair thanked the Democratic Services Manager for the presentation and Members noted the report.

22 Questions from Members of the Council under Standing Order No 20

No questions had been received from Members.

23 Forward Plan of Business and Scrutiny Work Plan

Members noted the Forward Plan and the Scrutiny Work Plan.

The meeting commenced at 5.30 pm and closed at 7.43 pm

Chair