

Supplemental Item for Scrutiny Commission

Thursday, 25 April 2024 at 6.30 pm
in Committee Room Council Offices
Market Street Newbury

Part I

Page No.

3. **Actions from previous Minutes**

3 - 8

To receive an update on actions following the previous Commission meeting.

Sarah Clarke

Sarah Clarke

Service Director (Strategy & Governance)

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Agenda Item 3.

Update from CouncillorCarolyn Culver, Chairman of Scrutiny Commission, at meeting on 25 April 2024

This update fulfils a requirement in the action log. Hopefully it will assist Scrutiny Commission in preparing for our October meeting when Thames Water and the Environment Agency are invited to meet with us again.

Bear with me. This is a lengthy list. But these challenges are pertinent and persistent. And the public will be interested to hear this update as well as members.

I aim to provide information and propose actions and would value members' feedback on those proposed actions.

Flooding

Regarding the flooding which began in early January, a Section 19 report has been commissioned by WBC and is being undertaken by consultants WSP. Members will recall that such a report was produced following the flooding in 2014 and provided useful information about what happened, when and where.

Scrutiny will be able to examine that report later this year.

[Flood and Water Management Act 2010 Section 19
<https://www.legislation.gov.uk/ukpga/2010/29/section/19> states the following:

(1) On becoming aware of a flood in its area, a lead local flood authority must, to the extent that it considers it necessary or appropriate, investigate—

(a) which risk management authorities have relevant flood risk management functions, and

(b) whether each of those risk management authorities has exercised, or is proposing to exercise, those functions in response to the flood.

(2) Where an authority carries out an investigation under subsection (1) it must—

(a) publish the results of its investigation, and

(b) notify any relevant risk management authorities.]

I've been told the section 19 report will not contain maps that indicate which homes were flooded 'internal', 'internal cellar' and 'external', so it will not be the same as the 2014 report. I have been told this is because of GDPR and the need to avoid identifying in public which houses were affected. I have been reassured that there will be figures on how many homes and businesses were affected.

PROPOSED ACTION: Scrutiny Commission to examine section 19 report at October meeting.

Following the flooding in 2014, a 'severe weather review' was conducted by Oversight and Scrutiny Management Commission (OSMC), as this Commission was then known, via a series of public meetings in September 2014, totalling more than 20

hours. A document was presented by officers, separate to the section 19 report. The section 19 report focuses on hydrological issues and will not include sewage, emergency planning and external agencies' responses, and supporting functions within WBC and how they performed, and lessons learned.

[The terms of reference of the 'severe weather review' document were as follows:

- (1) Understand what happened and why*
- (2) Determine whether the plans in place prior to the flooding were effective*
- (3) Identify the lessons that should be learnt*
- (4) Assess the future severe weather risks to the district and the extent to which they might be managed*
- (5) Report to the Executive and others with recommendations as appropriate.*

Following the meetings, recommendations were made.]

There is concern from some members and flood wardens whether TW, EA and WBC are communicating effectively during periods of flooding/sewage leaks. People are confused about who to report to, and they are often told it's another organisation's responsibility. The use of Gold Command meetings was suggested to me by Cllr Woollaston.

PROPOSED ACTION: I would like to know how we kept track of the implementation of these recommendations, and to request from officers please that they consider producing a similar report that includes pertinent issues outlined above not covered by the section 19 report. Our scrutiny of 2024 needs to be at least as robust as, if not more robust, than 2014. I would particularly like reassurance that the council is joined-up when it comes to a.) its flood and water management related strategies and b.) the various council teams that respond to such an emergency and c.) communication between authorities.

Residents also have responsibilities – putting the correct things down the toilet and riparian ownership. What more can we do to inform the public? Thames Water have done campaigns around not putting fat down the sink for example.

PROPOSED ACTION: Please can officers consider how we might work more effectively with Thames Water and the Environment Agency on information/education campaigns?

WBC has offered grants in response to the flooding:

- Business Recovery Grant, Community Recovery Grant, and Council Tax Discount – all now closed to applications.
- Property Flood Resilience Repair Grant Scheme. The grant is available to improve the flood resilience of a property. It is not compensation for flood damage. Applications close on 30th April.

All information about grants is at www.westberks.gov.uk/flood-grants

PROPOSED ACTION: Ask for up update about take-up at the October meeting of Scrutiny Commission.

Groundwater in the Pang Valley and Lambourn Valley remain high. There are still groundwater springs coming up in the road in Upper Lambourn. Thames Water do not want cellar water pumped into the streets because if manhole covers are not sealed it inundates the sewer system. WBC does not want cellar water in the highways drains. I emphasise that I have seen no evidence of plans to enforce this, and indeed do not know whether there are any powers to enforce this. The alternatives are for residents to tanker water away privately, or for homes to flood. This problem is not going to go away in the future. It is likely to be exacerbated by the higher precipitation caused by climate change. If cellar water is inundating sewers that is a problem, but if the alternative is homes flooding that is also a problem. So, all agencies need to give serious consideration to this matter.

Project Groundwater supports communities to be more resilient to groundwater flooding. Six-year programme working with communities in nine high-risk flood areas of the Chiltern Hills and Berkshire Downs. Led by Buckinghamshire Council in partnership with five other local authorities and Flood Community Groups. Funded by Defra as part of the £200 million Flood and Coastal Innovation Programmes which is managed by the Environment Agency.

The West Berkshire Groundwater Scheme (WBGWS) is a network of pumps and connecting pipelines designed to abstract groundwater from the chalk aquifer in the Upper Pang and Lamborn valleys in times of drought, to augment river flow in tributaries of the River Thames. This has the potential to increase the water available for abstraction downstream for public water supply to London. The Pang Valley Flood Forum has explored whether there is a potential for using the WBGWS to reduce groundwater levels to reduce the risk of groundwater flooding to properties. The EA have noted that it is not legally licensed for this purpose, running costs would be prohibitive and downstream flood risk in the lower Pang villages needs further analysis. Project Groundwater have committed to cover the cost of Jacobs consultants undertaking further analysis and peer review of the two MSc reports that have been done on the idea.

PROPOSED ACTION: Pumping of groundwater and cellar water and the need for a long-term solution to be discussed at the October meeting of Scrutiny Commission.

I understand that the Eastbury Flood Alleviation Scheme worked well this winter.

PROPOSED ACTION: At October Scrutiny Commission we would like to know how lessons learned from this will be captured and inform Environment Agency decisions about future flood alleviation schemes.

Flood Forums and Sewage Action Group

Pang Valley Flood Forum and Lambourn Valley Flood Forum met during April. Pang Valley Flood Forum organised a flood resilience exhibition in Hampstead Norreys village hall on 20 January which was very well attended by the public.

Newbury Flood and Drainage Action Group is meeting monthly.

The Sewage Action Group for the Lambourn Upper Valley has been formed recently and held its first full meeting on 5 April.

PROPOSED ACTION: I would like to convey our thanks to all involved in these bodies for giving their time voluntarily to gather data and evidence, advise and support residents, and challenge the authorities about what action they are taking. Chairman of Scrutiny to write to these bodies.

Sewage

Residents in Lambourn, Eastbury, East Ilsley and Hampstead Norreys, and I expect other villages too, have experienced sewage in the streets and on pavements, in gardens, and backing up into toilets/sinks/showers. There has been widespread media coverage of the sewage in the Pang and Lambourn Valleys including the BBC, Daily Mail, Daily Express, and the Mirror. Been on front of NWN three times in the past five weeks. The UK correspondent of Le Monde visited and is due to publish a story imminently.

Thames Water has done some pipe-lining and manhole sealing work in the district, to prevent the inundation of the sewers with groundwater, as they explained when they came to Scrutiny Commission last autumn. Members will recall that Thames Water told us about their Groundwater Impacted System Management Plans. During the current period they have said they cannot access pipes until the groundwater has subsided. They have also said that if there is a wet summer, and the groundwater does not drop very significantly, we could be stuck with this situation for a long while.

PROPOSED ACTION: Seek clarity at the October meeting of Scrutiny Commission that the WBC section 19 report and any other relevant documentation and evidence gathered this winter/spring will be used to inform revisions to the GISMP documents.

Many residents have reported incidents to Thames Water. In East Ilsley several residents were told by Thames Water that they were the only resident affected, and therefore action in the village was not a priority. This was clearly not true.

Many residents who have contacted Thames Water about sewage leaks have received email responses from Thames Water to say their problem has been resolved, when it has not. This adds insult to injury. I understand that they have apologised for this, and it will be fixed by June.

I have seen an email from Thames Water to a resident saying they visited on 12 April and they couldn't find any effluent on the road and found fish swimming in the river so were not concerned about watercourse pollution, despite there being sewage spewing directly into the River Pang on that date (and indeed every day previously going back to January, and every day since up to the present day).

PROPOSED ACTION: At October Scrutiny, ask Thames Water how they log calls, and why people are told they are the only ones affected, check that the automatic reply email system has been rectified, and ask why people are being told there is no evidence when there clearly is.

I have requested that the streets be cleaned. I was told by officers that this is the responsibility of Thames Water, and that the council's Environmental Health team would visit to assess the situation and pass evidence to Thames Water. I was then told there was no evidence of waste materials. I then took photos and videos to prove that there was evidence and sent them to officers. EH are going to visit the sites again.

PROPOSED ACTION: EH are sending someone out to have a look again. I await their response. Scrutiny would like clarity about who is responsible for clean-up.

A motion proposed by Councillor Stuart Gourley was passed at the March Council meeting. One of the resolutions was 'to ask the CEO, and the acting Leader of West Berkshire Council to write to the Thames Water CEO and demand for an action plan to be put in place across West Berkshire to resolve issues urgently across the area, and to set up a regular meeting with the Executive Director - Place, and relevant Service Directors, and Senior Thames Water Leadership to monitor, and track action in line with the urgency of each situation.

Other resolutions were to contact MPs urging an increase funding for the Environment Agency and review of OFWAT.

PROPOSED ACTION: We would like Scrutiny Commission to be updated about progress with the implementation of this motion's resolutions, particularly the demand for an 'action plan' and 'regular meeting'. How will this align with Scrutiny Commission's role, bearing in mind that Thames Water and the Environment Agency will be invited to attend Scrutiny Commission again this October?

Today I have received an email from Town Councillor Steve Masters regarding his request that WBC issue an abatement notice against Thames Water under Section 79e and section 80 of the Environmental Protection Act, 1990.

[Section 79e states that this is applicable where there is '(e) any accumulation or deposit which is prejudicial to health or a nuisance'. In this case the discharge of sewage onto the streets and into the rivers in the Pang Valley, Lambourn Valley and Newport Road area, resulting in the deposit of faecal material, toilet paper, wet wipes and sanitary products. Section 80 states 'where a local authority is satisfied that a statutory nuisance exists, or is likely to occur or recur, in the area of the authority, the local authority shall serve a notice ("an abatement notice") imposing all or any of the following requirements— (a) requiring the abatement of the nuisance or prohibiting or restricting its occurrence or recurrence; (b) requiring the execution of such works, and the taking of such other steps, as may be necessary for any of those purposes, and the notice shall specify the time or times within which the requirements of the notice are to be complied with'.]

In his correspondence Councillor Masters makes the case that local authorities have an obligation to do this notwithstanding any powers that any other regulators may have. There is also legal precedent, namely Regina v Carrick District Council ex parte Shelley dated 3 April 1996.

PROPOSED ACTION: The CEO has this evening acknowledged receipt of Cllr Masters' email.

Northbrook Stream pollution

At last October's Scrutiny Commission meeting with Thames Water and the Environment Agency, Clayhill Flood Warden Paula Saunderson raised the issue of industrial pollution in the Northbrook Stream and met Thames Water operatives several times in gardens next to the stream. Subsequently Thames Water undertook testing. Councillor Gourley has this week made the results available.

PROPOSED ACTION: Seek an update from Councillor Gourley about whether any action will be taken following the results.

Next

Are members in agreement with my action points?

Please can Gordon transfer actions points to 'actions arising from previous meetings'?

Make sure the relevant authorities have the October meeting in their diaries and are given as much notice as possible about the issues we would like to speak with them about.

Head of Sustainability, Richard Aylard, who attended Scrutiny Commission last autumn, has now left Thames Water and we do not know whether he will be replaced. Karen Nelson is still there. We need to make sure the relevant people attend.

Addendum

Councillor Woollaston reports that he managed to persuade the EA to cut weed in Eastbury and it was transformational. Flood disappeared and sewage leak stopped. They are now going to cut it every three months. Excess growth was caused by excess nutrients from human waste.

PROPOSED ACTION: At October meeting ask EA how we can ensure weed cutting is done more systematically in future on all our watercourses.