

To: **Overview and Scrutiny Commission**
29 February 2024

Overview and Scrutiny Review of Thames Water
Statutory Scrutiny Officer

1 Purpose of Report

- 1.1 To present the Environment and Communities Overview and Scrutiny Panel's report to the Commission following the Panel's review into Thames Water, and to agree the recommendations.
- 1.2 To provide the advice of the Statutory Scrutiny Officer (SSO) to inform the Commission's decision whether to endorse the Panel's recommendations to the Executive.

2 Recommendations

- 2.1 **That the Overview and Scrutiny Commission considers whether to endorse the Environment and Communities Overview and Scrutiny Panel's recommendations to the Executive, as set out in the Panel report (attached as Appendix A) and paragraph 5.5 of this report, taking into account the comments of the Statutory Scrutiny Officer and Executive Director: Place, Planning and Regeneration.**

3 Reasons for Recommendation

- 3.1 It is the role of the SSO to advise the Council on any issues or concerns that may arise about the operation of the scrutiny function and the SSO may on occasion be required to make a determination about what the law says and how this should be applied to any particular situation. In carrying out this statutory role, there is a need to have a nuanced and meaningful understanding of the scrutiny function in order to accurately make judgments about its operation when disagreements or other issues arise.
- 3.2 The SSO is responsible for ensuring that the scrutiny function is adequately resourced and that service departments and partners are contributing sufficiently to reviews to ensure that they are effective.
- 3.3 The SSO is also responsible for providing advice to the Commission on whether the recommendations within review reports are robust, taking account of resource, legal, climate change, equalities, health and wellbeing and strategic risk implications.

4 Alternative Options

- 4.1 The Commission could decide:
- to endorse the recommendations to the Executive (and others) as set out in the Panel's report
 - to endorse the recommendations in part
 - to ask for further work to be undertaken before the report is submitted to the Executive recognising that this would delay the Panel's next piece of work

- to note the Panel report and not make any recommendations to the Executive (or others)

5 Supporting Information from the Statutory Scrutiny Officer

- 5.1 The Overview and Scrutiny Commission commissioned the Environment and Communities Overview and Scrutiny Panel to carry out a review into Thames Water following a recommendation at a Council meeting on 12 July 2023.
- 5.2 The Panel was supported by Esther Prangle, Governance and Scrutiny Officer who supported the Panel to draw up the scope of the review and prepare an evidence pack of relevant information; to facilitate a number of Panel sessions to interview a range of contributors; to draw out findings from the Panel's investigation, and to prepare a review report. This involved in the region of 200 hours of scrutiny officer time and 5 hours 45 minutes of Panel meetings.
- 5.4 In summary it is the Statutory Scrutiny Officer's view that this review activity had adequate resources. The majority of review activity took place between August 2023 and February 2024.
- 5.5 The Panel's recommendations on 29 February 2024 are set out below. The reasons for making these recommendations are set out in the Panel report. These recommendations are:
- 1. A cross Berkshire water and sewage partnership should be formed**
This partnership should consolidate the interactions between relevant stakeholders, including Thames Water, improving communication and in turn leading to better outcomes for the affected communities with regard to operation of the water sewage system and transparent communication with residents. This should be initiated through the Berkshire Leaders forum and supported by the Berkshire Officers Group.
 - 2. To nominate a BFC Officer as touchpoint for local water quality issues**
The Officer will serve as interface to all local stakeholders, including charities, community groups, the parishes and towns, and residents.
 - 3. To review planning procedures ensuring load on sewage treatment works is minimised.**
To follow Oxfordshire's approach to working with Thames Water, reviewing local planning regulations to minimise impact of new developments on existing capacity.
 - 4. To make aggregated information on current water quality accessible to residents and other stakeholders.**
To bring together open-source data relating to water quality. For the Council to host this aggregated data observatory on the Borough's website. For the website to display current water quality of major watercourses.
 - 5. That the Executive should lobby the Secretary of State for Environment, Food, and Rural Affairs to review and strengthen the criteria for the Storm Overflows Discharge Reduction Plan (2023). They should urge the adoption of a criterion that aims for the complete elimination of untreated sewage discharge.**
While such a review is considered the Executive requests a fully costed and timed program from Thames Water to achieve DEFRA's 2050 target to discharge above an average of 10 rainfall events per year for sewage works in Bracknell Forest.

- 5.6 However, it is the view of the Corporate Management Team that the report be presented to the Overview & Scrutiny Commission with a covering report which would include the concerns of officers regarding some elements of the above recommendations. These concerns related largely to the scope of the Council's responsibilities with regard to water quality and the costs associated with undertaking some of these actions. Refinement of the recommendations in order to allay these concerns are set out below by the Executive Director: Place, Planning and Regeneration. It is recommended the Commission adopt the refined recommendations instead.

6 Commentary from Environment and Communities Overview and Scrutiny Panel Chair, Councillor Christoph Eberle

- 6.1 Our residents and borough services expect that local waterways and lakes are clean and safe to use. Sewage discharges are the major factor affecting water quality.
- 6.2 According to the latest published data from 2022 the Bracknell sewage treatment works however spilled 42 times, for a total of 463.5 hours. Similar spillage is expected to have occurred in 2023, and the growing number of named storms leads to increased load on the already highly utilised sewer infrastructure. As an example the recent storm Henk triggered discharges for more than 24 hours both into the Cut and the river Blackwater, clearly demonstrating a significant lack of capacity.
- 6.3 Climate change is expected to lead to further increase of strong rainfalls with the continuous growth of Bracknell Forest leading to growing demand on an already overloaded system, and to further deteriorating quality of our natural environment.
- 6.4 We owe our residents to push for improving this clearly unacceptable situation, recognising there are no simple answers to the complex regulatory and ownership situation surrounding utilities. This panel has evaluated evidence to derive recommendations aiming at making Bracknell a better place to live.

7 Executive Director for Place, Planning and Regeneration

- 7.1 The review has been helpful in highlighting the responsibilities of the Water Companies and the Environment Agency. It has also helped outline the limitations of the current sewerage system and the improvements to capacity which are planned across the Borough over the next few years.
- 7.2 However, there are concerns regarding the scope of the Council's responsibilities with regard to water quality and the costs associated with undertaking some of these actions. It is therefore suggested to the Commission that the recommendations be amended as follows.

1. Investigate the creation of a cross Berkshire water and sewage partnership should be formed

This partnership should consolidate the interactions between relevant stakeholders, including Thames Water, improving communication and in turn leading to better outcomes for the affected communities with regard to operation of the water sewage system and transparent communication with residents. This should be initiated through a report to the Berkshire Leaders Group.

2. To create a ‘report it function’ on the Council’s website to capture local water quality issues

This will act as a mechanism to record local water quality matters to be shared with the Water Company, The Environment Agency, Ofwat and local stakeholders.

3. To review planning procedures ensuring capacity of sewage treatment works is considered.

To investigate Oxfordshire’s approach to working with Thames Water, reviewing local planning procedures to manage impact of new developments on existing capacity.

4. To make information on current water quality accessible to residents and other stakeholders.

To provide links to open-source data relating to water quality on the Borough’s website.

8 Consultation and Other Considerations

Legal Advice

- 8.1 As highlighted above, the recommendations contained in the attached **Annex A** require a specific legal framework which are outside the local authority’s remit. However, this is dealt with by the reframing of the recommendations in point 7 of this report.

Financial Advice

- 8.2 There will be financial implications arising from some of the recommendations contained in **Annex A** including:
- Recommendation 2 has been estimated to incur the following costs - £10k (1 day per week grade E). This is an additional role as water quality is a function for the Water Company and providers not the local authority.
 - There may be financial implications arising from recommendation 4, these costs would need to be confirmed following further understanding of requirements. If any extrapolation, data cleansing or manipulating of data is required this will result in cost in officer time. However, if the requirement is to point to existing data sources via a link on the Bracknell Forest website then there would be no cost implication.

Equalities Impact Assessment

- 8.5 The review scope, activities and recommendations were all considered in the initial equalities screening attached at **Appendix B**.

Strategic Risk Management Issues

- 8.6 There are no specific strategic risk management issues arising from the recommendations in this report.

Climate Change Implications

- 8.7 The recommendations in Section 2 and 5 above are expected to have some climate change implications.

Health & Wellbeing Considerations

- 8.8 The Council is committed to actively protecting and enhancing the borough's environment to keep it clean and green through improving the health of waterways. This supports Bracknell Forest being one of the healthiest places to live. Residents will therefore experience better health, both physical and mental.

Background Papers

None

Contact for further information

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