

To: **Overview and Scrutiny Commission**
23 May 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 revised set of 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 endorse the Environment and Communities Overview and Scrutiny Panel's revised set of recommendations to the Executive as set out in the Panel report Appendix A and paragraph 5.5 of this report.**

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.
- 3.4 At the O&S Commission meeting on 29 February a report from the Environment and Communities O&S Panel was received which contained recommendations to the Executive. The covering report contained revised recommendations from the Executive Director: Place, taking into account legal and financial implications arising from the Panel recommendations. It was the determination of the Commission that members of the Panel meet again to review both sets of recommendations. This meeting took place on 30 April and an agreed, single set of recommendations are contained within the report attached **Annex A**.

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 the 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 210 hours of scrutiny officer time and 6 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 Following the decision by members of the O&S Commission on 29 February the Panel met again on 30 April and discussed the two sets of recommendations presented at the 29 February meeting. The new, single set of recommendations agreed by the Panel are set out below. The reasons for making these recommendations are set out in the Panel report. These recommendations are:

- 1. Pursue the creation of a cross Berkshire water and sewage partnership.**
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 or through the Berkshire Prosperity Board. (Review in six months)
- 2. To update the Council's website to signpost residents to reporting water quality issues, and to access open-source water quality data.**
Provide links to reporting functions to Thames Water and the Environment Agency and bring together open-source data relating to water quality, so that residents can find this information in one location. (Review in six months)
- 3. To review planning procedures ensuring capacity of sewage treatment works is considered.**
To investigate West Oxfordshire's approach to working with Thames Water,

reviewing local planning procedures to manage impact of new developments on existing capacity. (Review in three months)

4. **That the Executive should lobby the Prime Minister, Secretary of State for Environment, Food, and Rural Affairs and Ofwat 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, with reference to this scrutiny review.**

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. (Review in six months)

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

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 Following a further meeting of the Panel to discuss the two sets of recommendations tabled at the O&S Commission on 29 February I am assured the recommendations outlined in **Annex A**, and at 5.5. of this report, take into account previous concerns regarding the scope of the Council's responsibilities with regard to water quality and the costs associated with undertaking some of these actions.

8 Consultation and Other Considerations

Legal Advice

- 8.1 The recommendations contained in the attached **Annex A** are achievable within the Council's legal framework.

Financial Advice

- 8.2 There are minor financial implications arising from some of the recommendations contained in **Annex A** due to the need for officers within the Council to make changes to planning legislation and the setup of a page on the Council website to signpost residents to reporting water quality issues, but these are achievable within the current budget.

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

Link to meeting of the Environment and Communities O&S Panel on 30 April.

[Agenda for Environment and Communities Overview and Scrutiny Panel on Tuesday, 30 April 2024, 7.30 pm | Bracknell Forest Council \(bracknell-forest.gov.uk\)](#)

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