

WEST OXFORDSHIRE DISTRICT COUNCIL
ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE
THURSDAY 17 JULY 2014

UPDATE ON FLOOD RESPONSE AND FUTURE ACTION
REPORT OF THE HEAD OF DEMOCRATIC SERVICES

(Contact: Simon Wright, Tel: (01993) 861533)

(The decision on this matter will be a resolution)

1. PURPOSE

To advise Members of Thames Water's response to representations made following the last meeting.

2. RECOMMENDATIONS

- (a) That the information provided in the report be noted.
- (b) That the Committee decides what, if any, further action it wishes to take in relation to this matter.

3. BACKGROUND

- 3.1. At its meeting held on 20 March, the Committee gave consideration to a report prepared by the Head of Environment and Commercial Services providing Members with an update on the Council's response to flood events during December 2013 – February 2014, on-going discussions with Thames Water and highlighting the actions necessary to mitigate flood risk
- 3.2. At that meeting Members noted that, if there was a failure in the drinking water supply, companies were under a statutory duty to make alternative provision within 24 hours. However, should the sewerage system fail, there was no such requirement upon the water companies, the responsibility for alternative provision falling to the District Council.
- 3.3. Members agreed that the Committee should draw this anomaly to the attention of the local Member of Parliament, seeking his support for a change in the legislation.
- 3.4. Accordingly, the Chairman wrote to the Local Member of Parliament to outline these concerns. A copy of his letter is attached to this report as Appendix A.
- 3.5. A response has been received from the Prime Minister's office enclosing a copy of the response received from Thames Water, a copy of which appears as Appendix B.
- 3.6. Mr Cameron also wrote directly to Dan Rogerson MP, Parliamentary Under-Secretary of State for Water, Forestry, Rural Affairs and Resource Management, and his response is attached as Appendix C.
- 3.7. The Committee is invited to consider what, if any further action it wishes to take in relation to this matter.

4. ALTERNATIVES/OPTIONS

The Committee may make such further representations as it considers appropriate.

5. FINANCIAL IMPLICATIONS

None

6. RISKS

None

7. REASONS

The work relating to flood prevention in the district accords with the council priorities to protect and enhance the environment of West Oxfordshire and maintain the District as a clean, beautiful place with low levels of crime and nuisance and work in partnership to sustain vibrant, healthy and economically prosperous towns and villages with full employment.

Keith Butler
Head of Democratic Services

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Date: 2 June, 2014

Background Papers:
None

COUNCILLOR JAMES MILLS

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Committee**

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Appendix A

The Rt Hon David Cameron, MP
House of Commons
Westminster
London
SW1A 0AA

Your Ref:

Our Ref:

Date: 9 April 2014

Dear Prime Minister,

Flooding and Drainage Issues in West Oxfordshire.

Given the recent extreme weather conditions I am sure that you will not be surprised to learn that the Council's Environment Overview and Scrutiny Committee has been particularly concerned over flooding and drainage issues.

Fortunately, recent surface water flooding in the District was far less severe than that experienced in 2007, largely thanks to the work undertaken since that date. The Council is appreciative of the assistance that has been forthcoming from Government and will continue to work with the County Council, the Environment Agency and riparian landowners to promote flood attenuation and alleviation measures.

There is however a secondary area of concern. For some time the Council has been in discussion with representatives of Thames Water regarding the adequacy of the sewerage system in parts of the District. Problems have arisen in certain areas as a result of surface, ground or fluvial water infiltration and inundation into the sewerage network. The consequences being that during adverse weather many homes can be without a working sewerage system for several weeks and, in the worst cases, with sewage backing up and surcharging in gardens and flooding homes.

I am sure you will agree that it must be very distressing for householders who are unable to use their toilet for days due to a failure of the sewerage system.

During the course of these discussions it was understood that, water companies are under an obligation to plan to supply their customers with at least 10 litres of water per person per day within 24 hours, and make alternative provision within 24 hours, if there is a failure in the drinking water supply. However, there appears to be no comparable requirement on water companies to provide alternative provision should their sewerage system fail. In the recent emergencies the responsibility for alternative toilet provision fell on the District Council.

Section 106 of the Water Industry Act 1991 places a duty on water companies to accept new connections to their sewage systems. Their ability to reject such connections is limited to very specific circumstances and so effectively the water authority therefore has no means of stopping the system becoming overloaded.

Section 94 of the 1991 Act requires water companies to provide, improve and extend the system of public sewers so as to ensure that the area is effectually drained.

We are told that the water companies should take all of these into account in their infrastructure plans. However, when asked, Thames Water has been unable to provide details of their plans to deal with the existing problems in West Oxfordshire. Our fear is that it is easier for them to hit their OFWAT targets by concentrating on London than to tackle issues in the rural upper Thames area and its tributaries

Large scale developments coming forward may have Grampian style conditions attached to solve potential problems. However, as you will know settlements such as Standlake have suffered from a cumulative effect of small scale developments and infilling.

As matters stand it is clear that there is little incentive for sewerage undertakers to resolve these issues either in response to an emergency or longer term to permanently resolve the problem. Thames Water has no motivation to build new sewage infrastructure in West Oxfordshire that which will impact on profit levels. Concentrating on London helps it meet its statutory obligations and the District Council ends up paying to provide toilet facilities for the highly inconvenienced local residents.

At the last meeting of the Overview and Scrutiny Committee Members expressed their concern at this anomaly and considered that an obligation to quickly provide alternative sewerage facilities in these circumstances should fall to the water companies, and not to local authorities. Accordingly, the Committee agreed that I write to you to draw this anomaly to your attention and to seek your support for a change in the legislation or guidance for water companies.

Yours sincerely,

James Mills
Chairman of Environment Overview & Scrutiny Committee

Letter from West Oxfordshire District Council

We understand Mr Mills' concerns over the recent flooding resulting from the extreme weather. We sympathise with the residents affected, whether suffering from sewer flooding or the lack of facilities. As Mr Mills points out, these issues are caused by flood water overwhelming our sewer network during such periods of adverse weather.

The lack of apparent requirement for us to provide alternative toilet facilities is a direct result of the fact that we are not held liable for events outside of our control such as periods of extreme weather. This is why the provision falls to the local authority. We have in the past attempted to assist with the provision of alternative facilities but we have since had to reconsider our position to not only better invest our resources in helping prevent flooding but also because it has caused a lot of confusion regarding responsibility for flooding resulting from extreme flooding.

Mr Mills mentions section 106 of the Water Industry Act 1991 that denies us the ability to reject new connections to our sewer network. While this is correct and the decision to accept planning applications rests with the local authority, we will often be consulted on drainage issues and we will offer advice as to what investment would be required by the developer. It is also worth noting that capacity issues regarding our sewer network will have little effect on instances of the network being overloaded during extreme weather. Section 94 of the Water Industry Act 1991 does require us to provide, improve and extend our network but the effective drainage it mentions refers to requirements of normal use which would not include extreme weather events.

The lack of plans provided by us, that Mr Mills mentions, to tackle the issues in West Oxfordshire is due to the fact that we are not solely responsible for the flooding. We are working closely with the local authorities throughout the region, participating in flood action groups, to coordinate our responses so as to best help the local residents. We do have to meet OFWAT requirements but our own strategy is to make sure we invest where we will be able to help as many people as possible. While this may give the impression that more funding is directed towards larger conglomerations such as London, this would reflect our plan to assist the most people possible rather than giving any region preferential treatment. This does not affect, as Mr Mills implies, the provision of alternative toilet facilities in any way or in any region.

I would like to reiterate that we do not consider there to be any anomaly, as implied by Mr Mills, regarding the current legislation that regulates our company. The legislation was designed to allow us to operate as a private company and naturally does not hold us accountable for events outside of our control. I understand Mr Mill's frustration in relation to certain emergency procedures coming under the remit of the local authorities.

I hope you find this information helpful but if you have any further questions please contact Joseph Boysen in our Customer Resolution team on **08456 410016**.

Yours sincerely

Huw Thomas

Local/Regional Government Liaison