

Minutes of the Overview and Scrutiny Board

8 October 2024

-: Present :-

Councillor Spacagna (Chairman)

Councillors Cowell, Douglas-Dunbar, Fellows, Foster, Hutchings, Johns, Long, Maddison and Tolchard (Vice-Chair)

(Also in attendance: Councillors Amil, Bye and David Thomas)

25. Apologies

It was reported that, in accordance with the wishes of the Liberal Democrat Group, the membership of the Board had been amended to include Councillor Maddison in place of Councillor Law.

26. Drainage and Flooding Issues

Further to the Spotlight Review held on 5 October 2023 (Minute 20/10/23 refers), the Overview and Scrutiny Board undertook a Spotlight Review to discuss concerns in respect of water and flooding. The Board examined the written responses to the initial key lines of enquiry and supporting documents (full details of which can be found at <https://www.torbay.gov.uk/DemocraticServices/ieListDocuments.aspx?CId=218&MId=26347&Ver=4>) and received the following:

- Key lines of enquiry and responses from the Environment Agency;
- Key lines of enquiry and responses from South West Water;
- Link to previous spotlight review - <https://www.torbay.gov.uk/DemocraticServices/ieListDocuments.aspx?CId=218&MId=25724&Ver=4>;
- Response from Ofwat on South West Water Seasonal Tariff Pilot;
- Presentation from the Environment Agency; and
- Presentation from South West Water (SWW).

The Board heard evidence from the following:

- Clarissa Newell, Regulatory Manager (Water) (Environment Agency);
- Helen Dobby - Head of Environmental Performance for Wastewater Services (SWW);
- Richard Adams - Head of Networks for Drinking Water Services (SWW);
- Sarah Sharpe - Corporate Community Engagement Officer (SWW);
- Mark Worsfold - Director of Asset Management (SWW); and

- Brett Conibere – Head of Service Insight (Customer Services) (SWW).

Key Findings:

Environment Agency:

The Environment Agency is responsible for regulating major industry and waste; treatment of contaminated land; water quality and resources; fisheries; inland river, estuary and harbour navigations; conservation and ecology; and managing the risk of flooding from main rivers, reservoirs, estuaries and the sea.

The Environment Agency understands that the water industry was underperforming, and it needed to change. The Environment Agency is meeting this challenge through transforming their approach to water industry regulation which will help them deliver against the Department for Environment, Food and Rural Affairs' (Defra) Plan for Water to ensure clean and plentiful water. They are introducing a more specialised workforce and improving the way they handle and turn data into regulatory intelligence. Through Water Transformation they aim to be a modern efficient regulator of the water industry. Driving a step change in performance from the water industry and a cleaner water environment. More information on the Environment Agency's priorities and plans could be found at <https://www.gov.uk/government/publications/environment-agency-ea2025-creating-a-better-place> and this year's business plan at: [Environment Agency business plan 2024 to 2025 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/environment-agency-business-plan-2024-to-2025).

A large part of the work of the Environment Agency relates to monitoring and enforcement. Having secured an additional £55m of funding from Government and water company permits, the Environment Agency is investing in a bigger, more specialised workforce. As a result, the number of officers regulating South West Water has increased with more compliance checks at water company sites (including unannounced inspections) being made and data specialists being used to translate storm overflow monitoring data into regulatory intelligence. The Environment Agency is aiming to conduct 350 targeted inspections by March 2025, this was currently 54% complete and was expected to be 100% complete by the end of 2024/2025 financial year. This was aided by regular meetings with South West Water and other operators to ensure that they were working in accordance with their agreed permits, with appropriate action being taken where necessary. They also provide clear advice and guidance. They use Event Duration Monitoring data to monitor how often and for how long storm overflows were used as well as domestic misconnections where people connect their surface water to sewerage system or vice versa.

The Board was advised how permits worked, for example if a farmer had a permit to take sludge onto a field they had to demonstrate an agricultural need and take account of weather conditions to remain compliant. If complaints were received then it would be monitored by the Environment Agency and advice and action taken as necessary.

Emma McGee, Catchment Co-ordinator works in partnership with local authorities and liaises with forums e.g. Torbay Climate Partnership and provides advice and feedback on asset improvements and good practice.

Torbay has 15 designated bathing water sites which are monitored for water quality. Eleven were rated as excellent, two rated as good and one sufficient, with Watcombe marked as closed based on 2023 figures. It was highlighted that Watcombe Beach was now open. Work has been carried out to understand why Goodrington Beach was only rated as Sufficient. An investigation had been carried out by South West Water and it was found that the water quality had been impacted by diffuse from the local urban population, misconnections and dog faeces. However, it was not thought to have been majorly impacted by agriculture or the nearby holiday park. Torbay has one river, the Upper Aller Brook which is designated as having good ecological status.

Members were informed that some pilot projects were carried out water testing in the winter but the results were not positive as runoff from land washes into the sea which could contain elements that were more polluting. It was noted that if Members felt there is a beach that has a high number of bathers they could provide evidence of this to the Government and consideration would be given as to if it could be designated as a bathing water site – see <https://www.gov.uk/government/publications/bathing-waters-apply-to-designate-or-de-designate>.

The Swimfo website shows up to date information on where non-compliant discharges occur and storm overflows which involve diluted spillages going into the sea and would state if there was an issue to affect public health - see <https://environment.data.gov.uk/bwg/profiles/>. Torbay Council was responsible for signage including QR codes which the Tor Bay Harbour Authority had advised that they were working towards replacing signs to include QR codes but also with sea safety advice (as stated in the update report to the previous Spotlight Review).

The Board highlighted concern over the wet wipes containing plastic being flushed down toilets and noted that a previous campaign with the industry had been successful with a number of suppliers removing plastic from their wipes. However, ones containing plastic were cheaper and were still being used. Members also acknowledged the problems caused by people putting oil and fat down the drainage system and that all added to blockages and impact on the environment. The former Environment Secretary had proposed to introduce legislation to ban wet wipes containing plastic on 22 April 2024 but this had not been finalised. Campaigns had been carried out to encourage people to act responsibly but more was needed to be done to raise awareness and change behaviours.

The Environment Agency was supporting biodiversity and protecting the environment, but concern was raised about the potential impact of the Seasonal Tariff trial where people would be charged a higher rate in the summer and the ability to water their trees and shrubs during that time. Members were advised that the trial encouraged people to look at their usage and encourage them to use rainwater wherever they could and that tap water should not be used during drought conditions. The value of water and improvements made over the past years had seen the return of invertebrates and otters in England's rivers through the improved water quality.

Members requested a written response from the Divisional Director of Planning, Housing and Climate Emergency on what Torbay Council's policy was on misconnections and how this was being addressed. Also how was the Council

working with hospitality premises to ensure they were disposing of fat and oil correctly.

The Water (Special Measures) Bill is in the process of being finalised which would:

- speed up the Environment Agency's (EA) enforcement response;
- help the EA to focus their prosecution activities;
- strengthen penalties for obstruction offences;
- enable the courts to include imprisonment;
- give water companies a duty to publish data within an hour of a discharge for all emergency overflows in England;
- include new statutory requirements for water companies to publish annual Pollution Incident Reduction Plans; and
- provide Ofwat with the power to ban the payment of bonuses to failing water company bosses and increase transparency.

South West Water:

The Event Duration Monitors cover four storm overflows in Torbay showing data within one hour on Waterfit Live to the public – see <https://www.southwestwater.co.uk/environment/rivers-and-bathing-waters/waterfitlive>, the website also shows where South West Water (SWW) would invest in individual overflows. The monitors do not measure the volume of water spilled just the start and stop times and this was then used to calculate the anticipated volume. SWW had developed a Business Plan to invest in the infrastructure and reduce the number of storm overflows to 20 spills per year within 15 years instead of the original 25 years. Priority would be given to improve bathing and shellfish waters which was also a Government priority by 2035 with SWW aiming to complete this work by 2030.

SWW was working with Water UK to create a national map showing water quality across the whole of England and Wales which was hoped would go live by the end of October 2024. SWW had a Drainage and Management Plan which showed long term need for investment in Torbay which they had engaged with the Council on as part of their statutory requirements to engage with local authorities. Torbay's drainage system was built in 1878 with lots of rivers running into the sewerage network that should not be part of the sewerage system. This was pumped around Torbay and was not the best way to deal with water and future decisions needed to be made in consultation with the Council and other agencies on how to manage this. SWW had modelled sewage and drainage capacity up to 2050 taking into account increased development, urban creep and climate change using different scenarios which would help inform improvements to the network. SWW would prefer to invest in solutions to remove the surface water from the sewerage drains rather than increasing the capacity of the pumps. They also suggested the merit of large planning developments having Sustainable Urban Drainage Systems (SUDs) which would include alternative solutions for managing run off water and sewerage. It was noted that whilst SWW was not a statutory consultee for planning applications it would be beneficial if they could provide more detailed feedback on major applications around water treatment and capacity of the network to help inform future planning decisions.

645 leaks had been reported and SWW had dealt with over 2,000 leaks, working with customers and SWW repairing them where it was their responsibility and helping customers to get them repaired when it was the customer's responsibility. They also provided help to vulnerable customers with their water supply and offered reduced tariffs to help support people on low income. A Team was managing leaks and proactively searching for leaks and repairing them where possible. Members noted the process for road closures which included Customer Liaison Officers writing to customers and businesses that would be affected by major planned works as well as talking to them especially where it may involve water being turned off and if possible, making adjustments to the proposals. It was not always possible to communicate in this way especially for urgent repairs. A recent road closure for urgent works in Cockington Lane, Torquay was raised and SWW was asked if the Customer Liaison Officers had visited local businesses to discuss the road closure and diversion route; what engagement had been carried out with the Council's Highways Department; and who was responsible for the diversion route (SWW agreed to provide a written response to this issue.) Members gave examples of where reports of leaks had not been responded to by SWW (the Councillors were requested to pass on the details of the specific leaks to SWW so that they could be investigated, but were encouraged to report future issues through the website or phone lines as this ensured that they were properly tracked). SWW subscribe to Causeway One Network which shows all road works across the UK so people can find out anytime where the work was and how long it would last - see <https://uk.one.network/communicate/causeway-onenetwork-map>. SWW install water metres and also provide leaky loo visits to see if there was a continuous flow which would have an impact on water efficiency and then provide advice and support to get the toilets repaired.

SWW promoted good use of water at service stations through the 'please use water wisely' campaign and were working with holiday parks in the area to install free water saving devices e.g. restricted flows on taps as well as a free 'Water Warrior' campaign going out to schools to encourage young people to champion good behaviours. Members were encouraged to get schools to take up this free offer. There was also the Pee, Poo and Paper campaign to encourage people to only dispose of the three P's down the toilet and not flush wet wipes. There were also big problems with fat and oil causing blockages in the water network. SWW provided additional cleansing through the network to try to reduce the amount of blockages, which had made a difference in terms of pollution events. They work with Environmental Compliance Experts (ECAS) to visit food establishments and checked 166 businesses to give advice, offer interventions and promote good practice e.g. waste traps to capture oil at source and could take enforcement action when required. Where possible SWW linked with local authorities and other groups in the region to ensure residents have access to information on water usage and welcomed opportunities to join up with more local groups to communicate messages wider.

Members noted that SWW had identified seven misconnections to the network since 2020, five had been resolved and two were awaiting resolution. SWW worked with local authorities on misconnections.

SWW provided a brief overview of the response to the cryptosporidium outbreak in the Brixham area and stated that they had responded quickly once they became aware and identified the source of the problem. They summarised the levels of work

involved including installing ultraviolet stations and ice pigging to remove any bacteria from the network. Members were unable to discuss this in detail due to ongoing legal proceedings. Members highlighted the impact on the summer tourism caused by the outbreak and sought assurance on when all the works would be completed. In response, SWW advised that the temporary traffic lights had been removed at Hillhead but that further works would start in a couple of weeks to install permanent solutions expected to be completed by Christmas. It was requested that this be communicated with the local community to raise their awareness together with support to our tourist industry to reassure people that Torbay was a safe place to live and visit.

Members were advised that the seasonal tariff trial had arisen from the need to ensure that water was used efficiently, taking into account climate change and challenging people on how much water they needed to reduce and consume. Ofwat had changed its charging rules to encourage water companies to pilot tariff changes. SWW advised that they had listened to customers' views, who felt they were paying higher tariffs for tourists, and looked at how SWW could incentivise change, reduce usage and those who use more to pay a bit more in the summer. There were ten potential trials and SWW decided on the following three launched from 1 October 2024:

- The household Summer Peak tariff charges a lower rate between October and March, and for all water consumed between April and September, up to 90,000 litres. All consumption above 90,000 litres in the summer months is charged at 4 times the base rate.
- The household Seasonal tariff charges a lower rate in winter months and a higher rate for all usage in summer. Currently £2.07 for 1,000 cubic litres of water, moving to £1.02 in the autumn/winter and £3.06 in the spring/summer.
- The business customer trial also follows the Seasonal tariff pattern.

These trials had been supported by Ofwat.

The household seasonal tariff trial was chosen from representative samples of customers who had their metres read in March and September so that SWW had comparison data over the previous four years to monitor the success of the trial against. 30% of the trial included TQ post codes. Any customer who qualified for support from SWW or who falls into water poverty or had health issues during the pilot could come off the trial. Free water audits would be offered to all customers on the pilot to help people to identify where they could save on their water consumption. It was anticipated that 55% of customers would save money on the trial with 83% of customers overall seeing a variance of no more than £5. Any expected increase was not expected to run into the hundreds of pounds.

Members challenged how the people on the seasonal tariff trial had been selected, the value of those who had already taken action to reduce their water as much as possible and how the trial was communicated. In response the Board was advised that the trial had to include a cross section of the population selected at random which would include people with high and low use and those who had already reduced their usage in order to fairly assess the success of the trial. People were not able to come off the trial unless they met specific criteria around health or water poverty.

Assurance was provided that the trial would be closely monitored and could be stopped if it was not achieving the desired outcomes of encouraging reduction in the use of water. Virtual drop-in sessions had been offered by SWW and they had spoken to the current Member of Parliament for Torbay in September to inform them of the trial. They had listened to dedicated focus groups who provided feedback on the trials selected from ten options. SWW had not spoken to local community groups about the trials but offered to hold more virtual sessions to help inform people of the intention and background to the trial and the support to customers including the water audits.

It was noted that some of the communication from Ofwat about the seasonal tariff trial was not useful e.g. it said if a resident wanted to come off the trial they could click on the link but there were specific conditions (as stated above). Members requested that feedback was provided by SWW to Ofwat regarding their communications.

Members raised concerns on the impact on the tourism industry following the outbreak in Brixham and those who would be taking part in the new trial. SWW advised that work had been done proactively with businesses and the tourist industry helping them to install free water flow devices and provide advice around water efficiency. It was hoped that the trial would increase water efficiency and usage. Specifically designed literature had been created for businesses around how they could save water and a representative selection had been chosen to take part in the trial.

It was questioned if the seasonal tariff pilot was aimed at raising income from larger properties who used more water and how the rates would be increased moving forward if the pilot was successful and rolled out e.g. RPI (Retail Price Index) or CPI (Consumer Price Index). In response, SWW advised that the process for setting water charges was determined each December, which was dictated by inflationary factors. The cost must be reflective therefore using more water during the summer months involved treating more water and if demand could be reduced in the summer and in the longer term this would help to keep bills lower. In future SWW wanted to change how charges were calculated but it was not known at this time what that would look like.

SWW intended to write to customers on the trial offering virtual drop in sessions and explaining how they would be able to access the data on the trials – this would be shared with the industry and when appropriate on SWW's website. They were working with independent evaluation experts who would be speaking to customers throughout the trials about how they feel. The water audit would enable customers to see how much water they were actually using compared to how much they think they were using.

Conclusions:

The Environment Agency had a pivotal role in holding SWW and other operators to account to protect our environment and ensure that we had safe drinking water and bathing water.

The outbreak of cryptosporidium in Brixham was an extreme event and had a huge impact on the local community and tourism industry. Members noted the formal investigations and legal action being undertaken to ensure that SWW was held to account and had put in place suitable measures to prevent a similar outbreak.

The Board was not satisfied with the way the seasonal tariff trial had been rolled out and communicated to customers. Members acknowledged the need to take action and change behaviour to address climate change but noted that people were anxious about the unknown. It was not clear exactly how much the seasonal tariff trial and other trials were likely to cost people compared to their previous usage and simple illustrations and modelling should have been provided to customers, together with more information on the selection and rationale behind the trials. If people change their behaviours and reduce their water consumption it was anticipated that their bills should not be that much higher under the trials. When energy bills went up people automatically changed their habits and turned down the heating or used less energy. The trials were trying to encourage people to do the same thing with their water usage, this could also help reduce energy bills as 25% of water used in the home was heated.

Members thanked the representatives from the Environment Agency and SWW for contributing towards the Spotlight Review.

Resolved (unanimously):

1. that the Divisional Director of Planning, Housing and Climate Emergency be recommended to work with representatives from South West Water to review urban creep and misconceptions when considering increased development in Torbay;
2. that the Local Plan Working Party be requested to consider Sustainable Urban Drainage Schemes (SUDS) as part of the refresh of the Local Plan to ensure that additional pressure is not placed on the existing sewerage and drainage network and to encourage South West Water to provide more detailed response to major planning applications;
3. that the Overview and Scrutiny Co-ordinator be requested to write to the Local Members of Parliament for Torbay to request them to lobby the Government about the Private Members Bill proposed by the former Environment Secretary on 22 April 2024 to introduce legislation to ban wet wipes containing plastic and to ask the Government to progress this legislation (SWW to confirm); and
4. that South West Water:
 - a. be requested to provide details on the offer of virtual meetings with the community on the seasonal tariff trials and to raise awareness of the support available to customers;
 - b. be invited back to the Overview and Scrutiny Board to provide an update on the seasonal tariff charge in six to seven months time;

- c. be recommended to share more explanation on the rationale for the trial and comparison data with customers on the trials on what their bills would have been compared to what it is on trial;
- d. reach out to the Chambers of Trade and Commerce in Torbay and continue dialogue with English Riviera BID to reassure them what support they will continue to provide to help the business and tourist trade and messaging around Torbay being a safe place to live and visit;
- e. be requested to engage with Torbay Communities on how they can engage with communities via the community partnerships and join up with community events to share positive messages and encourage behaviour change to reduce water and promote support available from South West Water; and
- f. be encouraged to work with SWISCo to engage with residents who are not disposing of fat, oil and wet wipes etc responsibly.

Chairman
