

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Scrutiny Committee held at Council Chamber, Blackdown House, Honiton on 5 October 2023

Attendance list at end of document

The meeting started at 6.00 pm and ended at 7.26 pm

19 Minutes of the previous meeting

The minutes of the previous meeting held on 7 September 2023 were agreed as a true record.

20 Declarations of interest

There were none.

21 Public speaking

No members of the public had registered to speak at the meeting.

22 Matters of urgency

There were no matters of urgency.

23 Confidential/exempt item(s)

There were no confidential or exempt items.

24 Decisions made by Cabinet called in by Members for scrutiny in accordance with the Overview and Scrutiny Procedure Rules

There were no decisions made by Cabinet called in by Members for scrutiny.

25 Update on draft Scrutiny Protocol

The Deputy Monitoring Officer informed the Committee that the draft Scrutiny Protocol is delayed and an update will be provided from the Monitoring Officer in due course.

26 Correspondence from Simon Jupp MP regarding South West Water

The Chair introduced this item, explaining that South West Water (SWW) had attended a Scrutiny Committee meeting in November 2022. The Committee subsequently requested that Richard Foord MP and Simon Jupp MP attend this evening's meeting or, in the alternative, provide reports on actions they have taken to require improvements from SWW, primarily regarding sewage discharge into the district's rivers and coastline.

A response dated 29 September 2023 had been received from Simon Jupp MP, for the Committee's consideration.

The Chair invited comment.

The Portfolio Holder Coast, Country and Environment made a number of comments in relation to the response from Simon Jupp MP, including the following:

- It is valuable to have the MP's report, but it is disappointing the Portfolio Holder Coast, Country and Environment was not asked what he and EDDC Officers had been doing with regards to SWW.
- Why are MPs having a crackdown on water companies, when this is the job of Ofwat? Perhaps this is because the regulator has not performed.
- Why is surface water allowed to enter the foul sewerage system, when it is known that this causes problems? The present regulations require that surface water goes to a soakaway, filtration system, watercourse or sewer. Is it the fault of the government, water companies or Ofwat that action has not been taken to reduce surface water in the foul sewerage networks?
- The planned investment to tackle sewage discharges is coming from bill-payers at a cost of £150 per year, because the government and Ofwat have not been ensuring that the water companies have been doing their job previously.
- The government's new targets to generate £56 billion of capital investment will also be funded by the general public.
- Millions was pulled from the Environmental Agency annual budget in 2014, specifically covering river surveys; it is not possible for the Environment Agency to clamp down, if there are not the staff to do this.
- The government has passed new laws to allow regulators to impose unlimited civil penalties; but is removing the threat of criminal conviction the best approach?

Discussion included the following points:

- Some members commented positively on the efforts of Simon Jupp MP in requiring improvements from SWW, recognising that there is no easy solution.
- Other members were of the view that the measures set out in the MP's report fail to address fundamental, systemic issues with the water industry, and there needs to be wholesale revision and funding of the regulators.
- Sewage discharges have been going on for years; water companies are making massive profits and taking too long to fix the problems.
- There have been continual issues with discharges from the new treatment works at Fluxton, which should have been built with capacity for the number of buildings it needed to accommodate; the issue is not simply about a Victorian infrastructure.
- Where there are developments of multiple houses, water companies are taking more money from more homes, but need to be making relevant changes to the water system, to do something with the sewage.
- SWW's meters measure sewage discharge output by hours and not by volume, and so the amount that is being leaked is not known. Different sorts of measurements are needed, in order that SWW can be held to account.
- The water industry should not have been privatised and needs to come back into public ownership. It was recognised that this is a national matter outside of the Council's control.
- Water quality results for East Devon's beaches were received this week, and all beaches will qualify for the Blue Flag award next year. Members commented that it would be helpful to know if the water quality has had a direct effect on marine life.
- It would be useful to know how many free water butts SWW have delivered, and the impact of this.
- It was suggested that a reminder is sent to Richard Foord MP inviting him again to provide a response for this Committee.
- Water companies published their 5-year plan earlier this week, with action plans setting out what they are intending to do.
- The Scrutiny Committee could consider the following actions:
 - Explore the extent to which regulators in East Devon have been defunded, the resource they have to carry out investigations and how this has changed, and whether this Council can be pressing for more resource locally.

- The Council could help the Citizen Science projects get off the ground.
- The Communications Manager could be asked to consider the ways in which this Council can promote water butts, to tie in with messaging from SWW.
- It would be appropriate to invite SWW CEO, Susan Davy, to attend a future meeting of Scrutiny Committee, to answer questions; this can be added to the Forward Plan. It was suggested that SWW be asked to provide a report in advance of the meeting detailing where there are issues, when these were first identified, what is being done about them, and how quickly.

27 **Update on scoping for grass cutting and re-naturing report**

The Chair invited the Portfolio Holder Coast, Country and Environment to update the Committee on this item.

The Portfolio Holder Coast, Country and Environment advised that the Council is working with Devon County Council on a Nature Recovery Policy, which will identify where the nature is and which areas of grass need to be cut or not cut. It is appropriate for this piece of work to be completed first, which will in turn inform the scoping exercise for the grass cutting and re-naturing report. He added that there have been some delays due to staff shortages throughout the summer, and some staff changes.

Discussion included the following points:

- People are strongly divided on the issue of grass cutting and re-wilding, with some very supportive of biodiversity and not cutting grass, and others preferring to see areas neat and tidy.
- Sites designated as Wildlife Improvement Areas are listed on the Council's website.
- There have been operational issues during Covid and around staffing which have meant that there have been some delays with grass cutting.
- There is no strategic map for the district which sets out which agency is responsible for which areas; mapping is problematic and will take some time to do. It was noted that this Council is not responsible for all areas for which complaints are received, and some areas are the responsibility of Devon County Council.
- It would be appropriate for Scrutiny Committee to ask for data along multiple aspects, e.g. the extent to which rewilding enhances diversity and species numbers, and whether people are happy or unhappy with their local area. It is important to communicate to people what the Council is doing, and get consensus from the population that the Council is doing the right thing.
- Members recognised that Officers do not currently have the capacity to gather the data, and there is currently no strategy in place.
- It was suggested that Officers could start by gathering data for a small area, e.g. Sidmouth, and build on that.
- The Portfolio Holder Coast, Country and Environment will arrange for a report to come to the Committee in March 2024 which sets out what the Council intends to do during the year. Work on the strategy can then be progressed during 2024.
- The Chair suggested that the aforementioned report includes a data analysis of Sidmouth.

28 **Forward Plan**

The Committee agreed the Forward Plan.

Attendance List

Councillors present:

J Bailey
I Barlow
B Collins
R Collins
M Goodman (Chair)
D Mackinder
S Smith

Councillors also present (for some or all the meeting)

P Arnott
P Faithfull
G Jung
T Olive
M Rixson

Officers in attendance:

Sarah James, Democratic Services Officer
Anita Williams, Principal Solicitor (Deputy Monitoring Officer)

Councillor apologies:

A Bruce
M Chapman
A Hall
J Heath
A Toye
J Whibley

Chair:

Date: