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05 February 2021

Dear Councillor

I am now able to enclose, for consideration at the meeting of the **OVERVIEW AND SCRUTINY COMMITTEE** on Monday 8 February 2021 at 6.00 pm, the following reports that were unavailable when the agenda was printed.

4 **MINUTES** (Pages 2 - 7)

To confirm the Minutes of the meeting of the Committee held on 18 January 2021 (attached).

10 **FLOODING ISSUES IN DEAL** (Pages 8 - 10)

An invitation has been made to Southern Water to attend the meeting to answer Members' questions relating to flooding in Deal.

Yours sincerely

A handwritten signature in black ink, appearing to read "Nicky", written over a white, wave-like shape that matches the Dover District Council logo.

Chief Executive

Minutes of the meeting of the **OVERVIEW AND SCRUTINY COMMITTEE** held as a Teams Live Events remote meeting on Monday, 18 January 2021 at 6.00 pm

Present:

Chairman: Councillor C D Zosseder

Councillors: M Bates
S H Beer
E A Biggs (as substitute for Councillor H M Williams)
T A Bond
S C Manion
J Rose
M Rose
R S Walkden
P Walker

Officers: Strategic Director (Corporate Resources)
Strategic Director (Operations and Commercial)
Solicitor to the Council
Head of Assets and Building Control
Head of Finance and Investment
Environmental Protection Manager
Accountancy Apprentice
Democratic Services Manager
Democratic Services Officer

68 APOLOGIES

An apology for absence was received from Councillor H M Williams.

69 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that in accordance with Council Procedure Rule 4, Councillor E A Biggs had been appointed as substitute member for Councillor H M Williams.

70 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

71 MINUTES

The Minutes of the meeting held on 14 December 2020 were approved as a correct record and signed by the Chairman.

72 DECISIONS OF THE CABINET RELATING TO RECOMMENDATIONS FROM THE OVERVIEW AND SCRUTINY COMMITTEE

The decisions of the Cabinet relating to recommendations made by the Overview and Scrutiny Committee at its meeting held on 11 January 2021 were noted.

73 ISSUES REFERRED TO THE COMMITTEE BY COUNCIL, CABINET, OR ANOTHER COMMITTEE

The Democratic Services Manager advised that there were no issues referred to the Committee by Council, Cabinet or another Committee.

74 NOTICE OF FORTHCOMING KEY DECISIONS

The Democratic Services Manager presented the Notice of Forthcoming Key Decisions to the Committee for its consideration.

Members identified the following items for inclusion within the work programme:

- Co-Innovation Centre

There being no dissent indicated, it was agreed:

- (a) That the Notice of Forthcoming Key Decisions be noted.
- (b) That the items identified above be included within the work programme.

75 SCRUTINY WORK PROGRAMME

The Democratic Services Manager presented the Overview and Scrutiny Work Programme to the Committee for its consideration.

Members identified the following items for inclusion in the work programme:

Inviting a representative of the Kent Resilience Forum to attend the Crime and Disorder scrutiny item on 8 March 2021 to discuss the traffic issues relating to the Port of Dover.

There being no dissent indicated, it was agreed that the Work Programme be noted, subject to the inclusion of extending an invitation to a representative of the Kent Resilience Forum to attend the Crime and Disorder scrutiny item.

76 PUBLIC SPEAKING

The Democratic Services Manager advised that no members of the public had registered to speak on items on the agenda to which the public speaking protocol applied.

At the Chairman's request Members had been circulated a written statement in respect of the Climate Change Strategy item (Minute No. 81) received from Ms Sarah Gleave.

77 FEES AND CHARGES 2021/22

The Head of Finance and Investment presented the Fees and Charges 2021/22 report. Members were advised of a correction to the weekly garage rent charge for tenants which should have stated it was £15 in line with the charge for non-tenants.

In respect of income relating to changes relating to the period after the conclusion of EU Transition, it was stated that this would be subject to a further report when the situation became clearer.

In respect of the increase of 7% for the interment of an adult or child exceeding 12 years (item no. 174) it was stated that this was paid for by the government and not families.

The reduction in the number of items from 5 to 3 that could be collected as part of bulk waste charge more accurately reflected demand where it was unusual for 5 items to be collected. The charge reflected the cost to the council of the contract. In respect of a request from Councillor S H Beer, the Strategic Director (Operations and Commercial) advised that he would look to provide usage data and data on the number of items collected.

In respect of the charges for garage plots, it was stated that this was part of a move to align the charge for standard garages (for non-tenants) and garage plots. While historically they had predominantly been used by tenants it was now a mix of tenant and non-tenant users.

The Strategic Director (Operations and Commercial) advised that the charges for the provision of additional bins on request was formalising an existing arrangement. The provision of additional bins could be requested by Town and Parish Councils.

It was proposed by Councillor S H Beer, duly seconded by Councillor T A Bond, and

RESOLVED: That it be recommended to Cabinet that decision CAB72 be endorsed as follows:

- (a) That the Fees and Charges (F&Cs) for 2021/22, as set out in Appendices 2.1 to 2.14 and 5.1 and 5.3 of the report, be approved.
- (b) That any F&Cs will be adjusted by Strategic Directors, in consultation with the Portfolio Holders, to comply with any subsequently received Government guidelines (when they are received) and any other minor changes, without being the subject of a further report unless they are materially different from current charges or have a material impact on the level of income.
- (c) That the general principle that fees are set at an appropriate inclusive level, irrespective of VAT status, and the VAT element within the overall fee level is then determined, be approved.
- (d) That the fees and charges approved separately by the Licensing and Regulatory Committees, as set out at Appendices 3 and 4 of the report, be noted.

(Councillor S H Beer joined the meeting during the consideration of the item of business.)

78 ENVIRONMENTAL ENFORCEMENT SERVICE DELIVERY

The Environmental Protection Manager presented the report on Environmental Enforcement Service Delivery.

The report had sought approval from the Cabinet to continue using external contractors to provide enforcement services for environmental crime offences such

as the issue of fixed penalty notices (FPNs) for littering and dog fouling. Members were advised that fly-tipping enforcement did not form part of the contract.

The Council had previously trialled the use of external contracts for a three-year period (a 12-month contract with two further 12-month extensions) and it was felt that the trial had been successful. The report sought approval to continue to deliver the service in a similar way by entering a three-year contract with the possibility of two further 12-month extensions. The service would be closely monitored by officers with regular checks on FPNs issued and income received.

The Council would use CCTV evidence where it was appropriate to do so but it had to be mindful not to use it for covert surveillance purposes. The majority of the litter fines related to cigarette butts.

Some members of the Committee expressed opposition to the principle of outsourcing the service and concern was expressed about the impact of the fines on the poorer members of the community. In response Members were advised that although the government set the £75 FPN charge, officers were aware of the financial impact of the fines and were mindful of this which is why the contract was not target based.

Members considered the merits of providing the service in-house and the potential length of the new contract.

RESOLVED: (a) That it be recommended to Cabinet that it not proceed with implementing decision CAB73 until:

(i) Data can be produced by officers in relation to:

- the performance of the pilot over the last 3 years in relation to Fixed Penalty Notices (broken down by type);
- enforcement costs;
- total income generated by the contract;
- the income earned by the council from the contract; and
- how the income has been used to make enforcement more effective

(b) That the Cabinet include looking at an in-house service as one of the options.

79 USE OF SOCIAL MEDIA FOR THE INVESTIGATION OF CRIMINAL OFFENCES

The Solicitor to the Council and Monitoring Officer introduced the report on the Use of Social Media for the Investigation of Criminal Offences.

The intention of creating a specific policy relating to social media was to provide increased clarity in respect of the use of social media for investigations. The policy supported compliance with the Regulation of Investigatory Powers Act (RIPA) policy by ensuring that officers were aware of the procedures and processes governing the use of social media in investigations.

In response to a question from Councillor E A Biggs, the members of the committee were assured that there was no intention to use the powers to target any particular socio-economic demographic in the community.

RESOLVED: That Cabinet decision CAB76 be endorsed subject to an addition of a document to the Use of Social Media in Investigations of Criminal Offences Policy that sets out how the council will use the powers and who will be targeted by it.

80 HOUSING STOCK COMPLIANCE

The Head of Assets and Building Control presented the third monthly compliance report on the Council's Housing Stock. The report outlined progress towards creating a reliable compliance management and reporting framework, establishing accurate raw data and reporting performance based on the verified data.

Members were advised that a legend would be added to the document for future reports explaining the acronyms used.

Members discussed the progress on Fire Risk Assessments (FRA) and the accuracy of the data provided relating to works arising. The Head of Assets and Building Control advised that he would verify the accuracy of the figures relating to work that needed to be undertaken.

The Chairman thanked him for the work being undertaken in respect of restoring confidence in housing stock compliance.

81 CLIMATE CHANGE STRATEGY

The Strategic Director (Operations and Commercial) presented the report on the Climate Change Strategy. The strategy set out the need for action and defined the extent of emissions that were either within the Council's control or were those over which the Council had influence. It also set out the areas which required action to be taken by the Council to achieve the goal of it becoming net zero by 2030 and to also support the wider district achieving net zero by 2050.

In response to questions from Members it was stated that the Action Plan was a developing 'live' document and would continue to evolve. Any significant projects relating to it would be executive decisions and would be subject to potential scrutiny.

RESOLVED: That Cabinet decision CAB74 be endorsed as followed:

- (a) That the Climate Change Strategy and the actions outlined in the Action Plan be approved.
- (b) That support for the continued development of the actions covering both emissions within the Council's control and those over which the Council has no influence or concern be confirmed.

82 KENT AND MEDWAY ENERGY AND LOW EMISSIONS STRATEGY

The Strategic Director (Operations and Commercial) presented the report on the Kent and Medway Energy and Low Emissions Strategy (ELES).

The ELES set out the Kent and Medway response to the UK Climate emergency, and how partnership working by Kent Local Authorities would drive countywide clean, resilient economic recovery. The strategy identified ten priority actions that would promote the development of an affordable, clean and secure energy supply for Kent, reduce greenhouse gas emissions, eliminate poor air quality and reduce fuel poverty.

RESOLVED: That Cabinet decision CAB75 be endorsed as follows:

- (a) That the development of the Kent and Medway Energy and Low Emissions Strategy be welcomed as an excellent example of collaboration between councils across Kent.
- (b) That a commitment to meeting the objectives set out in the Kent and Medway Energy and Low Emissions Strategy and the underlying Implementation Plan in so far as it is consistent with this Council's corporate priorities, and to the extent that resources will allow, be approved.

The meeting ended at 8.48 pm.

DOVER DISTRICT COUNCIL
OVERVIEW AND SCRUTINY COMMITTEE
Monday 8 February 2021 at 6.00pm

Questions for Southern Water in respect of flooding in Deal

- Q1 Over the last twenty years we have seen a couple of thousand houses built, over that time how much money has Southern Water invested along the main corridor pipeline running along Albert Road to accommodate the extra flow and how much is planned to be spent in future years. Can we also know the details of the major work undertaken?
- Q2 Despite the 11 floods in 15 years and the repeated risks of flooding necessitating in Southern Water having to position tankers in case of flooding when do Southern Water plan to increase the capacity of the Albert Road foul water drains?
- Q3 As houses get built in the Deal region the flooding seems to be getting worse. E.g. Church lane. Southwall road, Allenby road, the bottom of Mill Road where it meets Manor road, middle Deal Road near Grange Road, Park Avenue under the railway bridge and Station Road Walmer near the station just to name a few. As a resident looks like the system cannot cope anymore when heavy rainfall occurs. So why is Southern Water not fixing the situation and why does Southern Water have not recommended refusal on each housing application in the area on the grounds that the network cannot safely accommodate it without flooding elsewhere in Deal
- Q4 The manhole cover are loose and when we get flooding they are lifting and moving. This presents a real danger until Southern Water or Highways appear. Why can they not be fixed with small opening to allow the water under pressure to escape?
- Q5 When can the residents of Deal and the Albert road residents in particular be able to sleep easily free from the fear of flooding?

Questions submitted by Councillor T A Bond on behalf of members of the public

- Q6 DDC's statutory obligations when considering whether to approve an application is to ensure that flooding risk is not increased elsewhere (NPPF paragraph 163). We need information regarding whether there is sufficient capacity before approving an application in order not to contravene official policy. For planning application DOV/19/01260, DDC's principal planner requested information on a desk study carried out by SW, but SW refused to cooperate and provide this data. What are your reasons for this non-cooperation when it is an official policy requirement? Residents have reported this non-cooperation to OFWAT.
- Q7 For planning application DOV/01260, SW found that increased flows from the new development could increase the risk of flooding. Please provide the full study data to DDC.

- Q8 How far from the site of a new development do you assess capacity? Do you look at the wider network, in particular, areas prone to flooding (DDC to list these areas, but should include Albert Road, Southwall Road, Middle Deal Road etc). Do you look at capacity along the main route that waste water is carried towards the pumping station? This information is essential for DDC to ensure that there is not a breach of NPPF 163.
- Q9 What is SW's reason for not wanting to lock down manhole covers?
- Q10 There have been nine foul water floods on Albert Road alone since 2007, when Greensands Holdings took over ownership. This is in addition to innumerable flood warnings. Yet Southern Water has not even been courteous enough to explain to customers the causes of flooding except in 2014 and 2015, when it was thought to be pumping station failures. Please provide information on causes of flooding and remedial action taken:

| Date of flood | Cause of flooding* | Remedial action taken* | Expenditure on remedial action |
|---------------------------------|--------------------|------------------------|--------------------------------|
| Jun-07 | | | |
| Jan-08 | | | |
| Nov-09 | | | |
| Aug-10 | | | |
| Dec-13 | | | |
| May-14 | | | |
| 22 nd September 2015 | | | |
| 5 th January 2016 | | | |
| 28 th August 2020 | | | |

* Please provide the detailed report from your investigation of the incident.

- Q11 With regards to the flooding event in August 2020, a resident wrote to SW to enquire about the pumping station. The resident was informed that the storm pump was active. If, indeed, that was the case, and foul water was being pumped out to sea, why did the sewer on Albert Road become overloaded and discharge foul water to roads and into houses? This suggests either that the storm pumps or storm tanks do not have adequate capacity to cope, or that it was not working as it should to pump out excess foul water to sea. The response from SW was particularly worrying as it stated that "the storm pump would have been forwarding excess water to sea". We would like clarification and evidence that excess foul water was being pumped out to sea.
- Q12 SW have fitted sewers with monitors to assess foul water levels in order to provide a warning if a flood is imminent on Albert Road. This would allow emergency measures to be deployed in a timely manner. However, in August 2020 there was no flood warning, and upon calling SW customer service, they were not aware of any flooding issues i.e., there was a total failure to protect many homes from flooding. How did this failure arise? It would suggest that the monitors have no value in terms of protecting customers. We have further evidence regarding this, as SW customer service has taken to looking at the weather forecast and to advise customers to put up flood barriers at the slightest possibility of rain since the August 2020 incident.

Why such a low tech and inappropriate approach if investment has been made in a reliable warning system?

- Q13 What was the reason for the failure to warn residents, and to deploy emergency measures, on 28th August 2020? As a number of homes were flooded internally, to not provide even an explanation for such a major failing highlights SW's disregard for customers. Please provide residents of Albert Road with a written explanation for this failure.
- Q14 Why does SW deploy its emergency measures so often? There have been six warning to residents since the August 28th flooding incident where residents have to put up flood barriers and use sandbags. SW also deploy pumping tankers to empty sewers during these measures. Why is this necessary if the system has capacity, especially as the rain was not always heavy on some of these occasions? Based on SW's reported system resilience to OFWAT, we should, on average, have deployment of these measures once every 50 years instead of the 18 incidents in one year that is actually happening. Why this major discrepancy?
- Q15 Please provide information on the drainage network and capacity so that we can review it.
- Up-to-date drainage map for the wider Deal area including Walmer, Sholden, North Deal etc.
 - For the network identify, all upstream pipes that ultimately feed into the Albert Road sewer.
 - What estimated volume of wastewater does Southern Water use when calculating wastewater from each household i.e. the current figure used by SW in determining capacity.
- Q16 Please provide data for your capacity assessments for planning applications approved for developments of greater than 10 dwellings in Deal in the last 10 years. More specifically, what residual capacity remains in the Albert Road sewer after each major development? We would expect this residual capacity to fall as new developments are built.
- Q17 What average revenues (gross income) does SW realise from every 200 new homes that it connects to its wastewater network? Include initial connection fees as well as customer charges over a 5-year period.