

Minutes of the meeting of the **OVERVIEW AND SCRUTINY COMMITTEE** held as a remote meeting using Teams Live Events on Monday, 8 February 2021 at 6.00 pm.

Present:

Chairman: Councillor C D Zosseder

Councillors: M Bates
S H Beer
T A Bond
S C Manion
J Rose
M Rose
R S Walkden
P Walker
H M Williams

Also Present: Councillor T J Bartlett, Leader of the Council
Councillor C A Vinson, Portfolio Holder for Finance, Governance and Digital
Ms K Robinson, County Customer Manager for Kent (Southern Water)

Officers: Chief Executive
Strategic Director (Corporate Resources)
Strategic Director (Operations and Commercial)
Head of Assets and Building Control
Head of Commercial Services
Head of Finance and Investment
Transport and Parking Services Manager
Accounting Technician (Housing)
Democratic Services Manager

83 APOLOGIES

There were no apologies for absence received.

84 APPOINTMENT OF SUBSTITUTE MEMBERS

The Democratic Services Manager advised that no notice had been received for the appointment of substitute members.

85 DECLARATIONS OF INTEREST

Councillor S C Manion declared an Other Significant Interest (OSI) in Minute No. 94 (Review of On and Off-Street Parking Charges) on the grounds that he was a parking permit holder and stated his intention to withdraw from the meeting for the consideration of that item of business.

86 MINUTES

The Minutes of the meetings held on 30 November 2020 and 18 January 2021 were approved as a correct record for signing by the Chairman.

87 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 1 February 2021 were noted.

88 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.

89 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:

- To determine the future use of the Co-Innovation Centre site (former Co-op) at Stembrook, Dover

There being no dissent indicated, it was agreed that the Notice of Forthcoming Key Decisions be noted subject to the inclusion of item no. 29 (Co-Innovation Centre site (former Co-Op) at Stembrook, Dover) within the work programme.

90 SCRUTINY WORK PROGRAMME

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

There being no dissent indicated, it was agreed that the Work Programme be noted.

91 PUBLIC SPEAKING

The Chairman advised that an application for public speaking had been received from Dr Raju Sakaria in respect of Minute 92 (Flooding in Deal).

The Chairman read out the statement received.

92 FLOODING ISSUES IN DEAL

The Chairman welcomed Ms K Robinson, County Customer Manager for Kent to the meeting. As County Customer Manager she was responsible for the Southern Water network and its response to issues. When a problem occurred, such as flooding at Albert Road, her team would assess the problem and propose solutions.

The Committee was advised that some of the questions were the responsibility of other teams at Southern Water and she would not be able to answer them. Ms Robinson indicated that she was happy to come back or provide written answers to the outstanding questions.

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?

No answer was provided.

- 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?

No answer was provided.

- 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

No answer was provided.

- 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?

The Committee was advised that if manhole locations could be provided they would be assessed and a course of action determined.

- 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?

The Committee was informed that it was not possible to guarantee that there would not be flooding in the future as it was an open network. It was possible that things would get into the network (such as wipes, etc.) that were not meant to be there and that could cause blockages.

There were monitors in place that would trigger interventions but in cases such as the rainfall in August, the sudden unexpected heavy rainfall meant there was no advance warning.

The question was therefore how Southern Water could plan for future weather events. The Committee was advised that the plan was for:

- (a) Better communication with residents to keep them informed
- (b) A trigger point of 13mm over 24 hours meant that Southern Water needed more information on storm pattern intensity.
- (c) A survey of sewer pipes had been undertaken and the footage was currently being reviewed to identify potential issues.
- (d) A dedicated case lead for Kent to engage with residents over trigger points.

- (e) That work was underway to remodel the system to look at capacity following the storm event

The pipe survey had been undertaken with new equipment that was able to provide better visuals and cover longer distances. It was expected that the new equipment would be able to see cracks in the pipes that the previous equipment could not. This was a concern as cracks could let water into the system from the ground.

- 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.

There was no answer provided.

- 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.

There was no answer provided.

- 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.

There was no answer provided.

- Q9 What is SW's reason for not wanting to lock down manhole covers?

This could be done but there was a risk that it would displace the flow to the nearest property and cause damage to the ground and surrounding areas.

- 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			

There was no answer provided to this question.

- 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.

There was no answer provided to this question.

- 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?

This had been answered elsewhere.

- 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.

The Committee was advised that the alarms did go off but due to the sudden rainfall there was no time to react. Southern Water were looking at what they could do in future.

- 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?

The flooding incident on 28 August was due to the storm deluge as the system could not take 13mm in one hour but could take 15mm without

flooding over a wider timeframe. The forecast received by Southern Water had indicated that there would be less than 13mm in 24 hours and the unexpected rainfall caused the problem. Southern Water's modelling team were looking at the difference in weather events to identify what caused this issue in August and what the network could cope with. There had been no issues found with the pumping station.

A cautious approach had been adopted while this was being investigated and a number of precautionary measures had been rolled out in the meantime.

Q15 Please provide information on the drainage network and capacity so that we can review it.

- (a) Up-to-date drainage map for the wider Deal area including Walmer, Sholden, North Deal etc.
- (b) For the network identify, all upstream pipes that ultimately feed into the Albert Road sewer.
- (c) 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.

In response the Committee was advised:

- (a) & (b) That help could be provided in respect of drainage maps and a PDF of pipe sizes could be provided.

- (c) The estimated volume was 130 litres per person per day.

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.

There was no answer provided to this question.

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.

There was no answer provided to this question.

Q18 How was the recent record breaking £126m OFWAT fine and customer compensation awarded to customers? Many people have commented they have not yet seen any credit on their accounts and can you let us know when and how this will be distributed?

The Southern Water website set out this information and customers would receive an automatic reduction to their bills. This would amount to £14 in year one and £9 per year until 2025.

Q19 You own the water supply network and bought this network from previous ownership, at what point was the antiquated piped supply into peoples homes disowned as domestic responsibility or simply passed over to customers? I am keen to understand how this occurred before your ownership was agreed and the dates involved?

The Committee was advised that the supply pipes were the home owners responsibility prior to privatisation.

Councillor T A Bond, who had been liaising with local residents in Albert Road about these issues, stated that this was a long standing issue and that the Committee needed to speak to the appropriate people at Southern Water to get answers to the questions raised by local residents.

The Strategic Director (Operations and Commercial) advised that strategic surface water was the responsibility of Kent County Council and not Dover District Council. However, while the Council could not compel Southern Water to do anything it could exercise a lobbying role and encourage the relevant parties to come together to resolve the problem. As the local planning authority the Council had imposed conditions on planning applications to ensure that network improvements were addressed before properties were occupied.

The Leader of the Council, Councillor T J Bartlett, advised that he had written a letter in support of the concerns of the residents of Albert Road.

Members raised the following points:

- To express concern over the lack of capital investment in the network despite the thousands of new houses built since 1993.
- That the impact of future housing developments on the system needed to be considered by Southern Water to address concerns over capacity
- That areas that had not flooded before were now starting to flood and that the issue with manhole covers was a symptom of this wider flooding risk
- That manholes lifted by flooding would cause someone to get hurt eventually
- That residents would accept a 1 in 30-year flood risk but current were getting a 1 in 1.5 year flood risk
- That Southern Water had never provided a satisfactory answer to the points raised at Question 10 and that local residents needed to know this information
- To raise concerns over changes to the diameters of pipes in Albert Road and question whether this was large enough to cope with the flow into it from larger pipes originating elsewhere.

RESOLVED: (a) That Southern Water be requested to attend a future meeting of the Overview and Scrutiny Committee and that all key representatives needed to provide answers to Members questions be present.

(b) That it be recommended to the Cabinet that a series of meetings be held with Southern Water with the objective of finding a solution to the issues in Deal.

93 HOUSING STOCK COMPLIANCE

The Head of Assets and Building Control presented an update on Housing Stock Compliance.

Members welcomed the progress that had been made in respect of compliance and thanked the Head of Assets and Building Control for providing clarification over acronyms in the document.

The long terms proposals for dealing with asbestos in properties was discussed and Members were advised that this was the long-term objective. It was pointed out that much of the residential asbestos would be removed as part of capital works to renew affected properties.

The Chair thanked the Head of Assets and Building Control for the update.

94

REVIEW OF ON AND OFF-STREET PARKING CHARGES

The Head of Commercial Services presented the Review of On and Off-Street Parking Charges. It had been agreed in January 2011 that parking charges would be reviewed annually and in line with that decision it was considered appropriate to review charges at this time.

It was recognised that the pandemic had a significant impact across all sectors of the community and in particular in the hospitality and retail sector. It was important that the Council ensured that its parking policies and charging structure recognised this while still providing for the effective management of parking spaces and striking a balance between the use of charges and parking restrictions to ensure the turnover of parking spaces in order to meet demand. While there was no general increase in parking charges proposed, there were several adjustments in respect of specific car parks to balance demand and availability needs.

The following points were raised by Members:

- To welcome the introduction of the new charging structure for residents permits based on engine size as an important contribution towards the climate change agenda. In response to concerns raised by Councillor S H Beer in respect of the proposed reduction in the waiting period for non-permit holders within resident zones from 2 hours to 1 hour it was stated that this proposal had been developed after reviewing a range of options and its impact would be reviewed.
- Members discussed the charge for hotelier books and concerns raised by Councillor M Rose over the cost and impact of these books on resident parking availability. The Committee was advised that the Council sold only a small number of these books, but officers would monitor the impact of these books on resident parking.
- The impact of extending the charging period from 5pm to 6pm on local businesses. Members were informed that a survey had found that it would have minimal impact on shopping patterns.
- The status of proposals to introduce charges in rural car parks. Councillor C D Zosseder expressed concerns that the Council was paying to maintain the car parks but not recovering the cost of that maintenance as it did in the urban car parks. The Head of Commercial Services advised that covid had interrupted the review of rural car parks. There had been some discussion

with parish councils in December 2020 and the feedback received had been that the majority had been opposed to the introduction of charging.

Councillor C D Zosseder requested that a further report be brought to the Overview and Scrutiny Committee on the review of charging arrangements at rural car parks. The Head of Commercial Services agreed that this would be possible and that a short could be ready for the March meeting of the Committee.

There being no dissent indicated, it was agreed to note the report.

(Councillor S C Manion declared an Other Significant Interest (OSI) in Minute No. 94 (Review of On and Off-Street Parking Charges) on the grounds that he was a parking permit holder withdrew from the meeting for the consideration of this item of business.)

95 COUNCIL BUDGET 2021/22 AND MEDIUM-TERM FINANCIAL PLAN 2021/22 - 2024/25

The Strategic Director (Corporate Resources) and the Head of Finance and Investment presented the draft Council Budget 2021/22 and Medium-Term Financial Plan 2021/22 – 2024/25.

The Leader of the Council, Councillor T J Bartlett, and the Portfolio Holder for Finance, Governance and Digital, Councillor C A Vinson, were also in attendance at the invitation of the Chairman.

Members were advised that the summary of the budget position was as followed:

- The General Fund budget for 2021/22 forecast a deficit of approximately £500,000;
- The Housing Revenue Account was balanced; and
- The Capital Programme was fully funded.

However, the forecast contained a high degree of uncertainty due to the pandemic and other factors and the general fund would need to use reserves to cover the forecast deficit. It was stated that due to a significant proportion of the support from government to the Council for 2020/21 not being ringfenced it would assist in reducing the impact on the Council's underlying reserves.

Councillor C A Vinson pointed out that the Council's reserves were the product of prudent budgeting and that unlike a number of other council's there was no need to issue a s114 notice in respect of the council's finances.

Members discussed the report and whether the information could be presented in a more simplified format to assist councillors and the public in understanding it. The Strategic Director (Corporate Resources) advised that he would see what could be done to present some of the information in a more simplified way.

RESOLVED: That it be recommended to Cabinet that decision CAB88 be endorsed as followed:

- (i) That the General Fund Revenue Budget, the Capital and Special Projects Programmes, the Housing Revenue

Account budget and the content of the Medium-Term Financial Plan (MTFP), as proposed in Appendix 3 of the report, be forwarded to the Overview and Scrutiny Committee for consideration.

- (ii) That the draft budget be placed on the Council's website for comments.
- (iii) That it be noted that the remaining annexes, including the Council Tax Resolution and Treasury Management, Investment and Capital Strategies, will be added to the MTFP and other minor adjustments made before being presented to Council in March.

The meeting ended at 8.29 pm.