



Minutes of the meeting of the **Overview & Scrutiny Committee** held in Committee Room 2, East Pallant House on Tuesday 13 September 2016 at 9.30 am

Members Present: Mrs C Apel (Chairman), Mrs N Graves (Vice-Chairman), Mr P Budge, Mr M Cullen, Mrs P Dignum, Mr N Galloway, Mr S Lloyd-Williams, Mrs P Plant, Mr H Potter, Mr J Ransley, Mr A Shaxson, Mrs J Tassell and Mr N Thomas

Members not present: Mr G Hicks and Caroline Neville

In attendance by invitation: Ms E Quarm (West Sussex County Council), Mrs B Rhead (Southern Water), Mr P Kent (Southern Water) and Mr G Edwards (Job Centre Plus)

Officers present: Mr A Frost (Head of Planning Services), Mr M Allgrove (Planning Policy Conservation and Design Service Manager), Mr T Whitty (Development Management Service Manager), Mr S Hill (ChooseWork Coordinator), Mr S Oates (Economic Development Manager), Mrs L Rudziak (Head of Housing and Environment Services), Miss A Loaring (Partnerships Officer), Mr R Dunmall (Housing Operations Manager), Mr S Hansford (Head of Community Services), Mr J Bacon (Building & Facility Services Manager) and Mrs B Jones (Principal Scrutiny Officer)

101 **Chairman's announcements**

The Chairman welcomed all to the meeting. Apologies had been received from Mr Graham Hicks and Caroline Neville.

102 **Minutes**

The minutes of the last meetings held on 14 June 2016 and 5 July 2016 were discussed. Mrs Jones provided an update on the recommendations made at the meetings.

- Minute 85 Housing and Planning Portfolio - Mr Ransley raised three bullet points where information had been promised but not yet provided to the committee. Mrs Jones undertook to follow up on this. Mr Shaxson requested that information on the South Downs National Park meetings be circulated to members.
- Minute 86 Chichester in Partnership Plan 2016-17 – Council agreed that a £10k funding reserve be made available in order to attract match funding to support

new or existing projects with proven benefits to vulnerable residents that would otherwise fail for lack of short term funding.

- Minute 95 Chichester BID – a report on the council’s future support for the BID would be brought to a future meeting of the committee; this is dependent upon the outcome of the vote for its continuation.
- Minute 96 Chichester Vision – Mr Oates will raise the issue of access to and from the city and speed of the rail journey from London to Chichester in communications with a number of stakeholders in discussion about the Vision.

RESOLVED

That the minutes of 14 June 2016 and 5 July 2016 be approved as a correct record.

103 **Urgent Items**

There were no urgent items.

104 **Declarations of Interests**

Mrs C Apel declared a personal interest in respect item 9 due to her position as Trustee of Stonepillow.

105 **Public Question Time**

One public question had been received but it was agreed this would be taken under the next item as it related to Southern Water.

106 **Southern Water**

The committee considered a report by Mr M Allgrove and Mr T Whitty (copy attached to the official minutes) which included at Appendix 1 Southern Water’s (SW) response to questions set by the committee.

Mr P Kent, Environment & Wastewater Strategy Manager, and Mrs B Rhead, Stakeholder Engagement Manager (Sussex), both of SW, attended to answer questions.

A number of questions had been received in advance of the meeting (copy attached to the official minutes). Mr R Seabrook, a member of the public, was asked to read his questions and officers and SW representatives responded as follows:

- Queried the formula for averaging headroom – Work on assessing dry weather flow is undertaken on a three year average; sometimes SW may use a four year average if the weather has been particularly wet. The Chichester Water Quality Group which involves the council, Environment Agency (EA), Natural England and SW has taken a view that because of the region and its weather patterns it is probably fairer to take a seven year average to calculate headroom. SW doesn’t want to operate a treatment works which is under capacity and which will not produce high quality effluent which would subsequently put SW at risk of prosecution. When there is a storm event the excess flow goes into the storm

tanks; when the storm abates this flow will go into the treatment works and out with the effluent.

- Delays in discharge notification - On release of discharge into the harbour SW notifies the Harbour Board and they have a system for disseminating the information. SW are looking at producing the data in a user-friendly format to be made available to the Harbour Board to load onto their website for all to access. Users would not necessarily look at the SW website for this information.
- Discrepancies in discharge notification – An amendment was suggested to the question to reflect a 346 'minute' (not hour) discharge. On this particular occasion there was no release into the harbour and therefore it doesn't appear on the records. The data has been passed on to EA and they are satisfied.
- Is telemetry unreliable? SW try to work in real-time as much as possible; it is better to notify in error than not at all.

Mr Oakley had put forward to the committee a number of questions to give an idea of the incidents around the Tangmere area:

- Queried the framework SW use to enter into agreements with developers which is separate to the planning process - The developer may gather background data and approach SW to ask if there is capacity in system to build houses. SW, through contractors, would do a desktop exercise to say yes or no, with conditions attached, so the developer has some evidence that he can discharge to the sewerage system. SW then seeks a restriction on any planning approval to the effect that the developer can't build or occupy the first tranche of properties until it agrees a discharge route for the waste water. As the developer progresses he then requests to connect to SW's sewerage system and SW undertakes a Section 98 Agreement where a more detailed survey of the sewerage system is undertaken with the nearest point of capacity that the developer can connect to without risk. There would be nothing stopping the developer applying for the S98 Agreement earlier on except that if he doesn't get planning approval that would be money lost. There is separate legislation for both SW and the planning authority to deal with. The issue that can arise is that the developer deals with SW directly but still has to address the planning process. The developer needs to ensure that it is meeting any planning conditions imposed.
- The issue of communicating that both the S98 and planning conditions have both to be complied with – The S98 Agreement and the planning conditions imposed by the planning authority are parallel processes and it is up to the developer to ensure that it is not only addressing the water conditions set by SW but also meeting the planning conditions imposed by the planning authority. SW normally follow up with the planning authority to confirm that successful connection has taken place to the point SW had suggested.
- The other issues raised by Mr Oakley which are site specific will be dealt with separately.

Mr G Barrett had requested to ask a question to SW as follows:

- Over many years the western peninsula has faced major sewage incidents due to the inadequacies of the system and the causes have now been identified as a total inadequacy of the pipework/network. A year ago it was agreed between

officers, members and SW to set up a focus group to meet every three months. The first meeting of the Manhood Drainage Partnership was held in early May 2016, delayed due to SW's undertaking to produce an action plan. No further meeting has been scheduled. More development is taking place on the peninsula and nothing further has been done to the existing inadequate network. There is talk of further sewage surcharges again. Queried what could be done to expedite this issue – **Mr Kent undertook to liaise directly with Mr Barrett to address the issue.**

The committee made the following comments which were answered by SW and officers:

- Queried SW funding sources – As a regulated industry the customer pays for SW's activities to cover both operating and capital expenditure. A case is put forward say for the expansion of wastewater treatment works and the regulator, Ofwat, looks at SW's business plan and decide the commitments and the amount customers pay.
- Concerned that the timing of development is more important to SW than the location and that new capacity follows delivery of a development - SW is committed to their five year business plan but this may require adjustment when new development requires further work. The developer pays for sewer capacity, SW for treatment capacity. By collecting information and statistics this allows SW to see the capacity shortfall before the developer starts work. SW will have discussed this with the developer who will be aware of those constraints.
- Constraints in development going ahead due to lack of headroom capacity – SW collects information to allow them to see the capacity shortfall ahead of development work and to raise the funding. Sometimes development work will start without the necessary infrastructure in place but that will be caught up later. However it is rare that a development doesn't go ahead because of lack of headroom capacity.
- Delivery of the Local Plan is critical – queried whether the need for further SW infrastructure was constraining permitted development being built- Planning applications for major development are progressed 12-18 months before a development starts. Westhampnett and West of Chichester have both been the subject of recent outline planning applications with permission granted at Westhampnett and there is no adverse impact on housing coming forward. Officers are working with Environment Agency and SW to ensure that there is an understanding of when that capacity is available and that it doesn't inhibit development coming on stream. There has been no adverse impact on housing coming forward. It is different for Apuldram as there is no possibility to increase the headroom due to environmental constraints on sewage there and the deposition of the harbour.
- Queried whether planning conditions imposed put impossible actions in front of SW and whether the council should be enforcing conditions more thoroughly – SW doesn't consider that there are draconian requirements within planning approval e.g. developer can't start construction or occupy first houses until they have reached agreement with SW about how the site can be drained. If the council imposes a condition and the developer doesn't comply then we should expect to have the backup of SW to enforce that condition. If the developer

subsequently proposes an alternative solution then he needs to come back to the council and agree this through the planning process.

- Queried SW plans when the Local Plan expires in 13 years' time – A total of 3266 properties are reliant on an upgrade of the Tangmere Waste Water Treatment Works, which is slightly more than the overall capacity of the upgrade. However, there is capacity to accommodate the proposed development set out in the local plan. The way SW construct treatment works today is in modular format. In 13 years time if Tangmere needs more development it can be added on.
- Queried how SW would manage the discharge into the rife at Aldingbourne - All treatment works have a permit to discharge. When SW are looking to put more treatment works in it needs to satisfy a 'no detriment' quality permit, i.e. it will have the same load on the water course. There is a need to meet tighter standards the more SW put through.
- SW has published a route for a new rising main in the north ward of Chichester. Queried whether this would help problems in places like Lavant and Boxgrove – SW advised that it would stop it getting worse as it is taking the flow to a different treatment works. A survey of the sewerage system has been completed and marginal improvements have been made. SW needs to agree with EA to go ahead and then develop an action plan which will be shared with members. Mr Kent advised that it is an issue which SW is committed to addressing but it is not a quick fix and may take many years to fix. **He promised to chase this up.**
- Queried whether SW was liable to pay money to people who may have suffered damage from flooding – SW advised that in most instances residents had household insurance and this would cover any flooding. However they would consider individual circumstances.
- Queried whether horse manure had an effect on the system – Mr Kent advised that it shouldn't get into the system and that it therefore wouldn't have a significant impact.
- Queried whether a pipe could be installed to discharge out at sea instead of into the harbour and whether it would improve capacity for Apuldrum – SW advised that it wasn't a cost effective solution.
- Queried the capacity at Thornham – **Mr Kent did not have that data but would respond to the committee with an up to date figure.**
- It was ten years since SW was fined roughly £20m for incorrect information. There was still a perception that SW waste disposal falls short. Queried whether there was something fundamentally wrong with SW and the way it gets its funding – SW funding comes from its customers but it also needs to borrow money.
- Queried the current future and planned investment in pipework infrastructure versus the required investment to reduce the problems - Mr Kent advised that SW spends £20-30m a year in maintaining and improving the infrastructure, and slightly in excess of that on waste water treatment. They have an environmental improvement programme of £50m year to improve the quality of effluent. The whole business is somewhere in the region of £3b in terms of capital costs. The funding is not an issue, it is spending it at the right time, but also a need to recognise that it won't get large sums like that from customers; SW needs to plan incrementally.

- Queried whether the detail could be collated at Chichester district level only – **Mr Kent undertook to dissect some figures for the Chichester district area only and to let members have the information. Also to detail what investment SW currently have in place and what is required to solve the area's problems.**
- A large part of the district is rural; there is a large surface water runoff into ditches and water courses. Queried how watercourses and ditches flow rates are monitored - SW has no direct role in this. Riparian owners are maintaining them. Some will be the responsibility of the county or district councils. It is a complex issue. Where SW has information and intelligence it can work with others. This will be done on the Manhood peninsula. Need to consider the quality of those watercourses and the impact agriculture has on it and work with farmers. **SW undertook to send members an A4 sheet showing responsibilities.**
- Nitrate levels are high on the Downs; queried the impact on water quality – Mr Kent acknowledged that this had got worse and needed to be addressed. Again there was a need to engage with farmers and landowners to understand and address the issues. It was suggested that the Manhood Drainage Partnership could be used for this purpose. Mr Kent confirmed that SW could make a start by linking with this focus group and widening its remit.
- Queried how SW educates the public and suggested that wider publicity could be given to SW initiatives in the Council's newsletter – Mr Kent advised that there was a SW team of six people who had recently been talking to local people about a blockage hotspot. Benchmarking had been done to increase public perception and feedback received about how SW engage with stakeholders in the future. Mr Carvell sits on one of the stakeholder panels.
- SW is starting to develop the next Business Plan. A series of stakeholders workshops will take place in the Autumn and members' views are welcomed and they are invited to play a role in how SW develops its plans.
- Queried SW's plans for improving capacity beyond what is required in the current Local Plan e.g. to deal with the impact of Southern Gateway and other unplanned growth – SW will work closely with developers and the planning officers to ensure that the infrastructure is there for development when it goes ahead. The key critical evidence base will be the wastewater treatment study.

Mr Hayes, Chairman of the council's Planning Committee, advised that the Planning Committee was told that flooding events were 1 in 500 years. As Chairman of the committee he needed to have confidence in the figures provided by SW. Mr Kent advised that SW was trying to predict the future. When new sewers were put in the ground SW designed for water flows which are uprated by 20% to cover climate change.

RESOLVED

1. That a meeting be arranged with interested parties to include the Environment Agency, Southern Water, West Sussex County Council, this council and other relevant bodies to investigate and identify a way forward to resolve the issue of flooding as a result of riparian watercourses.

2. The council investigates the imposition of better planning conditions for dealing with foul water drainage which reflect the requirements of individual sites and ensure that these conditions are properly enforced over the lifetime of the development.
3. Southern Water is requested to provide written answers to those questions that were not able to be answered at the meeting.

107 Choose Work Evaluation

The committee considered this report (copy attached to the official minutes).

Mr Oates and Ms Loaring from CDC and Gary Edwards from DWP attended presented the report. Mr Oates provided an update on inaccuracies in the report as follows:

- Page 1, Exec Summary, the second sentence across lines 2, 3 and 4 should read: "This project was set up by Chichester in Partnership as part of its 'Getting people into Work Strategy' in 2012, and has delivered 187 work placements helping 94 local residents back into work, with an estimated saving to the public purse of £772,586."
- Page 2, section 4.3, line 8 – delete 25% and replace with 47%
- Page 2, section 4.3, line 9 – delete 23 persons and replace with 44 persons
- Page 2, section 4.3, line 11 – delete £8,956 and replace with at least £8,219
- Page 2, section 4.3, line 12– The final sentence should read: From 2013 to date, the project has cost in total £130,367.25. 189 work experience placements have been delivered and 94 persons are now in employment, Page 4, section 6.2.1, line 2 – delete £114,000 (£38,00pa) and replace with £120,000 (£40,000pa)
- A corrected table at section 3.1 (page 4) of the Evaluation was circulated (copy attached to the official minutes).

The committee made the following comments:

- Queried the reason for the lack of funding offered by partners – The housing associations referred to the project but hadn't been around the partnership table, however they work on a wider basis now.
- There has been an estimated saving of £777,000 on the public purse so unsure why the Department of Works & Pension (DWP) are not prepared to further fund this project.
- Queried the meaning of 'a more holistic and personal development approach' – Some people need more ongoing support (training, coaching, confidence building, encouragement) and/or they may have low level mental health problems. Support does not cease and case workers are in continuous communication with work seekers using formal and informal contact.
- Part of the scheme is engaging with employers to encourage them to offer placements
- The project is a Chichester brand. It has no competitors. The council has started to create a market and is not limited as to who it can work with. Officers will approach the county council as there are links with the Think Family project.

One other authority had approached us to use our brand but they were not going to deliver a sufficiently similar project so it was decided not to share it.

- The project has helped mostly Job Seekers Allowance (JSA) claimants however we are now being requested by DWP as part funders to help claimants on Employment Support Allowance (ESA) as well. These are people who may not be able to work due to illness or disability. The number of ESA claimants in the district is much higher than for JSA
- Queried the cases coming forward, how long they had been unemployed, number of ex-offenders, etc – This was exclusively through the Job Centre initially but now a number of sources and agencies make referrals, including housing associations We don't have statistics as to ex-offenders or the time they have been unemployed. Those with a disability may have been unemployed for a longer period. A breakdown of the type of cases would have been helpful.
- Queried whether the New Homes Bonus (NHB) funding was appropriate for this project – The council has ring-fenced £250,000 NHB to parishes. The residual amount is in reserves and not ring fenced in any way.
- The Big Lottery Funding is Local Enterprise Partnership (LEP) funding. The result of the council's bid will be known in the autumn; however the LEP is considering larger scale projects which cover the entire LEP area and this project might not fulfil their criteria.

Members were very supportive of the programme, however there were concerns that partners were not contributing to this project. The council commits its support to hosting the project and to part fund 30% of the costs. If the Lottery Fund bid is successful this would cover the costs of project for two years. The committee requested officers to seek the remainder of the funding from partners.

RECOMMENDED TO CABINET

- 1) That the Choose Work Project be continued.
- 2) That the change in focus of the Choose Work Project from Job Seekers Allowance (JSA) claimants to Employment Support Allowance (ESA) claimants be acknowledged and supported.
- 3) That the council continues to support the project by hosting it and part funding it at 30% and, if in the event that there is a shortfall in funding, the council makes up that shortfall, but that further enhancements to the project should be sought.

108 Post Project Evaluation of the Multi-Agency Agreement for the Management of Encampments across West Sussex and the Provision of a Gypsy and Traveller Transit Site at Chichester, West Sussex

The committee considered a report by Mr J Bacon and Mr S Hansford (copy attached to the official minutes).

Mr Bacon and Mr Hansford introduced the report and Ms Esther Quarm, Gypsy and Traveller Team Manager, West Sussex County Council attended to answer questions in relation to the management of the site.

The committee made comments including those that follow. It:

- Queried the cost of running the site – All authorities contribute to the running of the transit site. The cesspit emptying costs were £15,500 per annum, electricity £3,500 and the total rent collected £17,000. This year there had been a surplus of £43,000 which it had been agreed would be held over as a sinking fund for future maintenance costs.
- Travellers are well looked after by a number of agencies who visit the site.
- The figures are high for 2016-17 in comparison to last year as the summer period is the main travelling period for travellers.
- The total number of dwell days has gone down significantly from 611 in 2014/15 to 78 in the current year.
- The average length of stay is roughly 6 weeks, although some families stay only a few days. DCLG guidance and regulations state that the maximum stay can be up to 12 weeks.
- Queried the reason why the transit site was not connected to mains waste – the Council did apply to Southern Water but connection to this site was refused due to capacity issues in the pipework. All foul water is emptied into two cesspits on site.. Following the discussion held with Southern Water earlier at agenda item 6 it was suggested that the council reapply to Southern Water for a connection at this site.
- The number of encampments/lived-in vehicles was higher than last year. There has been an increase in van dwellers (homeless people who have chosen to live in vehicles).
- Court appearances by Ms Quarm had reduced significantly since the introduction of the transit site, which had brought significant savings.

RESOLVED

- 1) That the findings of the Post Project Evaluation be noted.
- 2) That Officers approach Southern Water to ask that they reconsider a mains waste service connection at the transit site.

109 Housing for Care Leavers - West Sussex Joint Scrutiny Review

The committee considered the report in the agenda (copy attached to the official minutes).

Mrs N Graves informed the committee of the work of this joint scrutiny group. Mr R Dunmall and Mrs L Rudziak attended to answer questions.

The need for holistic working with care leavers and the need to plan ahead were discussed. This is in order that they adapt and thrive in their new environment. The Foyer currently takes 16-18 year olds and into adulthood to 25 if required. Planning policy would need to be taken into account in considering any future housing arrangements however this is dependent upon analysing need across the county in a partnership approach. Future monitoring arrangements had been suggested as one of the recommendations to ensure that there was a consistent approach across the county.

RECOMMENDED TO CABINET

- 1) That the recommendations set out in appendix 1 to the Joint Scrutiny Task and Finish Group report in respect of housing for care leavers be endorsed.
- 2) That this Council's response to the recommendations as set out in appendix 2 to the report be agreed and conveyed to the West Sussex Joint Scrutiny Steering Group.

110 Corporate Plan Task and Finish Group - Terms of Reference

The Terms of Reference for the Corporate Plan Task and Finish Group were agreed.

Mrs P Dignum, Mrs P Plant, Mr N Galloway and Mr S Morley agreed to take part on this group. It was agreed to seek one further volunteer from the wider membership.* Mrs Dignum was agreed as Chairman of the Group.

*Subsequent to the meeting, Mrs D Knightley confirmed that she wished to take part on this group.

111 Forward Plan

Mr Galloway raised a number of items for further involvement by this committee:

- devolution (there will be wide member involvement in this issue)
- Museum Options appraisal (on the committee's work programme)
- Review of Locally Defined Council Tax Discounts (*subsequent to the meeting it was ascertained that this issue was not raised earlier in the year when setting the committee's work programme)

The meeting ended at 11.58 am

CHAIRMAN

Date: