

MEETING TITLE AND DATE:

Council- 27th November
2013

REPORT OF:

Director of Finance,
Resources & Customer
Services

Agenda – Part: 1	Item: 8
Subject: Reference from Overview and Scrutiny Committee: Petition on Deephams Sewage Plant	
Wards: Upper Edmonton, Lower Edmonton, Edmonton Green, Haselbury, Jubilee, Ponders End	
Members consulted: Cllr Bond, Cllr Georgiou, Cllr Stafford, Cllr Simon	

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1. EXECUTIVE SUMMARY

- 1.1 This report details the petition received by the Overview & Scrutiny Committee (OSC) on the 17th October 2013 requesting that the Council use all its powers to urge Thames Water to work with Ofwat to take whatever action is necessary to stop the smell from Deephams entering the atmosphere and environment.
- 1.2 Under the Council's Petition scheme if more than 1,562 signatures are received this instigates an automatic referral to the Overview & Scrutiny Committee.
- 1.3 As a result of considering the petition OSC agreed to refer the issues raised and action identified by the petition to full Council as an outcome of their scrutiny process.

2 RECOMMENDATIONS – Council is asked to:

- 2.1 Receive the petition
- 2.2 Endorse the conclusions of the OSC set out at para 4.1.
- 2.3 Note the letter from the chair of OSC to Ofwat at Appendix 1.
- 2.4 Agree that it fully shares residents' concerns about the issue and instructs officers to continue to work with Thames Water, Ofwat and LB Waltham Forest to ensure that as far as practicable all odour is contained with the site as soon as possible.

3. BACKGROUND

- 3.1 A petition was received by the Overview & Scrutiny Committee on 17th October 2013 requesting that the Council use all its powers to urge Thames Water to work with Ofwat to take whatever action is necessary to stop the smell from Deephams entering the atmosphere and environment.
- 3.2 Under the Council's Petition Scheme, Petitions with 1,562 signatures (0.5% of the estimated local population for 2011 as published by the Office of National Statistics) must trigger a debate at Overview & Scrutiny Committee.
- 3.3 The petition is compliant in paper form and is also an E- Petition. Currently there are 2,480 verified signatures. 22 letters in support of the petition, which are addressed to the local MP, have also been received. Officers have also received details of a previous E-petition (68 signatures) and a paper petition (222 signatures) which were created directly petitioning Thames Water but we are advised were never submitted.
- 3.4 The petitioners' concerns received unanimous support from OSC and those members of the community who attended the meeting on 17 October 2013.

4. OVERVIEW & SCRUTINY COMMITTEE CONCLUSIONS

- 4.1 As a result of considering the Petition, OSC:
 - a. requested that Council Officers undertake or commission a detailed technical review of the overall cost- benefit analysis that Thames Water submit to Ofwat as part of the Deephams Sewage Works Upgrade.
 - b. suggested Council Officers work with LB Waltham Forest as, with the prevailing winds, their residents were also affected by the odour from Deephams.
 - c. asked Thames Water to share their cost benefit analysis with the Local Authorities affected, so that they could review the metrics used and values ascribed to them.
 - d. agreed that the Chair would write to Ofwat, outlining the Committees views, concerns and conclusions. In view of the timeline for the Ofwat determination of Thames Water's plans for the plant this letter has already been sent and acknowledged (attached as Appendix 1).

- e. agreed to refer the petition and above action to full Council for endorsement and support.

5. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES AND OTHER DEPARTMENTS

5.1 Financial Implications

Any costs arising from the implementation of the recommendations of this report, will be met within existing resources.

5.2 Legal Implications

5.2.1 The Local Democracy, Economic Development and Construction Act 2009 ('the Act') introduced a mandatory duty upon the Council to implement and to publish a Petitions Scheme. The scheme obliged the Council to respond appropriately to compliant petitions and inform people what action will be taken to address their concerns. Chapter 2 of Part 1 of the Local Democracy Economic Development and Construction Act 2009 (petitions to local authorities) is repealed by s.46 of the Localism Act 2011. The Council's petition scheme is however still valid.

5.2.2 Pursuant to the Council's petition scheme, a matter must be referred to the Overview and Scrutiny Committee if 1375 signatures are achieved. A Petition can also be referred direct to full Council for debate with 3,125 signatures. Whilst the number of signatures required for a direct referral has not been achieved OSC has agreed, as an outcome of their scrutiny review, to refer the petition and actions taken as a result to Council under their performance review function.

5.2.3 S21 Local Government Act 2000 defines the functions of the Overview and Scrutiny committees. The Council's constitution at Chapter 2.5, Section 5.3 refers to Petitions, with the power to make recommendations to Council set out in section 5.8 (b).

5.3 Property Implications

5.3.1 The area to the south of the Treatment Works has been redeveloped as part of the Ardra Road Industrial Estate. Premises include large storage and distribution facilities for Lidl and Heals. This 15 hectares (37 acre) site was previously part of the Treatment Works, but was redeveloped for employment purposes following remediation and lengthy negotiations with Thames Water.

5.3.2 All the land is in private ownership, apart from an undeveloped area of 0.9hectare (2.4acres) which is Council owned. This parcel of land lies mainly within Flood Zone 3 and is retained in open use, as a condition of the original planning permission, to provide storage for run off and sustainable drainage, and to reduce flood risk. The Salmons Brook

flood defence scheme may reduce the likelihood or frequency of flooding, but this Council land has limited development potential.

- 5.3.3 Thames Water proposes a major upgrade to the Works, with measures to reduce odour from the smelliest parts of the site, and a planning application is scheduled for 2014. There has been a Sewage Treatment Works in this area since at least 1914 and these have been enlarged considerably post this date to no doubt accommodate the increase in residential and other properties in the surrounding areas. .
- 5.3.4 Whilst the major upgrade is welcome to this important and vital infrastructure to the Borough and beyond it should not be to the detriment of the local community and all matters should be considered in an effort to reduce the current levels of unpleasant odours currently emitted. The improvements should enhance not only the lifestyle of the local community but also the current housing and commercial property market.
- 5.3.5 It is expected that a planning application will be submitted to authorise the upgrade within the coming year.

6 KEY RISKS

Referral to Council by the Overview and Scrutiny Committee addresses risk of non-compliance with the Council's own Constitution.

7. IMPACT ON COUNCIL PRIORITIES

7.1 Fairness for All

The Council's Petitions Scheme ensures that the public are able to register their opinions on issues of importance to them, enabling them to influence the way that the Council works towards achieving the key strategic aims. The odour issue constitutes a major burden on the quality of life of residents in the eastern part of the borough.

7.2 Growth and Sustainability

The Deephams upgrade will enhance the capacity of the sewage infrastructure, which is a key driver for local development, but it must also ensure full mitigation of the odour problem.

7.3 Strong Communities

The Council's Petitions Scheme ensures that the public are able to register their opinions on issues of importance to them, enabling them to influence the way that the Council works towards achieving the key strategic aims. The odour burden on the eastern part of the borough weakens the sense of it being a suitable place to live which weakens the community spirit.

8. EQUALITIES IMPACT IMPLICATIONS

It is not relevant or proportionate for LBE to carry out an equality impact assessment at this stage but we will expect these issues to be addressed by Thames Water as part of their programme.

9. PERFORMANCE MANAGEMENT IMPLICATIONS

None

10. PUBLIC HEALTH IMPLICATIONS

Odour is impacting upon the quality of life of residents and should therefore be eradicated as far as practicable.

Background Papers

None