

Supplementary Papers

Council

To be held in The Ridgeway, The Beacon, Portway, Wantage, OX12 9BY
on Wednesday 21 February 2024 at 7.00 pm

Open to the public including the press

18. **Questions on notice** (Pages 2 - 10)

Written responses to questions set out on page two onwards.

Written responses to questions – 21 February 2024 Council meeting

1. Question from Councillor Povolotsky to Councillor Lugova, Cabinet member for planning and development management

In the current winter 2023/24 season we have experienced record storm occurrences, record winter flooding in many places, and huge pressure on the flood plains, failures in the sewage systems and infrastructure. In Steventon & the Hanneys we had flooding in places never experienced before, with many residents seeing a correlation between new estate developments on flood plains, failures of Thames Waters Sewage Networks and floodwaters in our spring line village which haven't been seen since 2007.

Will the council ask, with urgency, the Environment Agency to review the flood plains / flood zones in effected areas and push for section 19 reports in heavily flooded areas where I still have households unable to return home, in Steventon, East Hanney?

Written response

The Council does not grant planning permission for development within the flood plain without identified mitigation. Where mitigation is accepted, the statutory body tasked with assessing this mitigation, is the Environment Agency whose role it is to ensure that there is no loss in flood plain storage and that flood risk elsewhere does not increase.

To date, and from information from the Lead Local Flood Authority (Oxfordshire County Council) we are aware of two recent instances of flooding occurring on new development. From an initial investigation, it is understood that poor on-site management resulted in two new properties unfortunately being affected. The second incident is understood to be due to an adopted oversized foul sewer becoming overwhelmed with surface water / groundwater. Thames Water have been informed of the incident and we understand that they intend to undertake additional network modelling to assess the wider network in relation to this.

The flood maps which enable us to track these incidents easily, are based on hydraulic modelling and are updated regularly. The Environment Agency are responsible for updates on a quarterly basis. All modelling goes through a rigorous process by the Environment Agency before it is accepted and used in flood maps and flood zones. Records of flooding are used by the Environment Agency to assist with assessment of model accuracy.

With evidence (photographs or videos of flood extents), we can request the Environment Agency to undertake a reassessment. Flood zone maps are intended to show areas that have flooded as a result of exceedance from watercourses and do not necessarily pick up areas flooded from other sources such as groundwater or surface water.

The Lead Local Flood Authority are collating flood record data from a range of stakeholders, including Vale, and reviewing against triggers for S19 flood investigations. We are aware of S19 investigations that have been triggered by the event in January which include Steventon and areas of Abingdon adjacent to the River Ock.

2. Question from Councillor Povolotsky to Councillor Pighills, Cabinet member for Community health and wellbeing

This council endorsed the Good Food Strategy in 2022, and a large part of that is around growing your own food, community allotments and community food resilience.

Is the council member aware of Thames Water guidance that no food should be consumed or grown in areas which have been subjected to contaminated flood water for 12 months. Given the widespread contamination of water we experienced in Steventon and the Hanneys, and continue to do so, what awareness has the council of this advice and how will this council hold Thames Water to account on sewage clean up and contamination identification and public advice, is this public health risk?

<https://www.thameswater.co.uk/help/water-and-waste-help/sewer-flooding/cleaning-up-after-sewer-flooding>

Written response

The significant flooding that we have experienced during the end of 2023 and start of 2024 is something that the council takes very seriously, and we worked very closely with our colleagues at the County Council, Environment Agency, Thames Valley Police and others to ensure that we work to protect lives and property as much as possible.

Public Health risks are generally the responsibility of the County Council. They already have this webpage which provides a flood toolkit - <https://www.oxfordshirefloodtoolkit.com/emergency/report-flood/>

The term “contamination” or “contaminated land” has a specific meaning, and our Environmental Protection team would not consider this as ‘contaminated land’ as defined under Part 2A of the Environmental Protection Act 1990.

Contaminated land is most commonly a result of historic land uses such as industrial activities and waste disposal. Although the working assumption would be that any flooded land has the potential to be ‘land that has been flooded containing sewer flooding’ and floodwaters are likely to be contaminated by disease producing bacteria and viruses, infection problems arising from floods in this country are rare.

The sun’s ultraviolet rays are very effective at naturally breaking down the bacteria left by flooding. The natural breakdown of bacteria is dependent upon climatic conditions (e.g. temperature, moisture, vegetation and soil type) although as a rough guide, bacteria will return back to normal background levels as follows:

- nine days during warm, dry summer conditions.
- twenty days during damper, cooler spring/autumnal conditions.
- twenty-five days during wet, cold winter conditions.

The Environmental Protection team are reactive to concerns from residents about specific pieces of land but are not resourced or required to consider every area of land that has been flooded for potential contamination.

The Environmental Protection team will, on a specific basis, also provide advice on clean up when residents make contact, but the primary regulatory response sits with the Environment Agency and Thames Water.

The number of queries received by council on this is very low (estimate 5-10 in the last five years) and the council mainly signposts residents to Thames Water directly.

Officers have updated the council's advice, available through our webpages, which will be available for commercial providers of food, as well as homeowners. Our main webpage on flooding as a result of recent storms is found [here](#). This webpage also includes links to Thames Waters flooding advice, Food Standards Agency advice on food that has been touched or covered by floodwater or sewage and the UK Health Security Agency advice for flooding and health: advice for the public.

Our Food and Workplace Safety team ensure that prepared food sold by food businesses is safe to eat.

The County Council's Trading Standards team have enforcement responsibility to ensure food grown on farms, including fruit and vegetable, complies with legislation and is grown hygienically.

Food produced for private or domestic use, including allotments and back gardens, is not governed by the food hygiene legislation provided they are not selling the food.

Regarding the performance of Thames Water, this is an issue for their regulator, Ofwat.

3. Question from Councillor Povolotsky to Councillor Thomas, Leader of the council and Cabinet member for climate action and the environment, strategic partnerships and place

Local groups and members, including myself, have written to the Secretary of State, the Rt Hon Stephen Barclay, to request he calls the proposed Thames Water Resource Plan for public scrutiny due to the significant public interest over performance, leak and leak management, sewage discharge, performance and locally the threat of the South East Strategic Reservoir Option (SESRO).

Can I ask the leader of the council when she will also call for such a public review on behalf of the many residents in the Vale effected by Thames Water's failures and who could be adversely affected by the current designs proposed for (SESRO)?

Written response

Thank you for your question.

I agree that the performance of Thames Water is wholly unacceptable and that the reservoir plans are alarming.

At its last meeting, Council resolved that we should write to the Secretary of State asking him to pause the decision-making process for SESRO, and I have done so, referring to other aspects of that motion at the same time. The letter is published on the correspondence page of our website and available at <https://www.whitehorsedc.gov.uk/vale-of-white-horse-district-council/about-the-council/official-correspondence/>

We await the secretary of state's response and, having written as requested by Council, it is only fair and reasonable that we consider any response that is forthcoming.

Whilst recognising the poor performance of Thames Water, water companies are subject to public scrutiny and regulation, which the question appears not to recognise – by OFWAT and DEFRA - and I have asked officers to consider how we can bring this vital role more readily to the attention of residents and members alike.

4. Question from Councillor Povolotsky to Councillor Thomas, Leader of the council and Cabinet member for climate action and the environment, strategic partnerships and place

At the Council meeting of Wednesday 13 December 2023, Councillors Clegg and Cooke proposed a motion which was unanimously passed in which there was request for the Chief Executive to establish a Water Resource Officer-Member Liaison Group.

Can we get a progress update on this item, a timeframe and membership proposals of the group?

Written response

In line with the wider motion, I have recently written to the secretary of state.

At this time, there is no active consultation on going in relation to SESRO and officers have been focused on responding to the impacts of recent flooding, as the Member will be aware, given the impacts in her own ward. Officers have been working extensively with partners to do all we can to support those directly affected by the recent flooding whilst at the same time engaging extensively with Cabinet on the budget proposal we considered tonight – an approach I hope all members would recognise must be our officers' priority. Information on the help available to those most impacted by the recent flooding events can be found here <https://www.whitehorsedc.gov.uk/vale-of-white-horse-district-council/community-support/emergency-situations/flood-advice/flooding-financial-support/>

I recently discussed with the chief executive how relevant members would be identified to support the liaison group, and it is my intention to discuss this matter further with the leader of the Green Group in the coming days. I would envisage the group, which will be informal in nature, meeting quarterly, with the first meeting in the next month or so and to a large degree its activity level will be determined by the stages of response to water related matters that the council is engaged in at the time. I would emphasise that planning related matters relating to Water and indeed any other policy area, will wholly remain within the Joint Local Plan process.

5. Question from Councillor Povolotsky to Councillor Thomas, Leader of the council and Cabinet member for climate action and the environment, strategic partnerships and place

On 21 September 2023: Councillor Thomas wrote to Thames Water regarding the draft Water Resources Management Plan 2024 (WRMP24). This is listed on the Vale of White Horse District Council's website alongside a copy and the Thames Water response.

As the ward member for Steventon & The Hanneys could I ask why there has been a lack of openness and transparency with me and other ward members the last two years over responses to consultations and lack of our input, or even consultation, on the list of bullet points of suggestions. Including a country park and water sports provision has not been consulted on with the local elected members or representatives of the communities in any way?

Written response

Thank you for your question.

I don't agree that there has been any lack of transparency.

The council has responded to several consultations over the past two years, and all of those responses are published on the website. They have also been circulated to members by the comms team as part of the regular cycle of updates.

Thames Water have conducted a number of briefing sessions for councillors and I know various members have attended these events.

I believe we are agreed in our opposition to the reservoir plans. However, we cannot escape the reality which is that Thames Water intends to bring forward its reservoir proposals for decision as a Nationally Significant Infrastructure Proposal. Although the council will not be the decision maker, the land is therefore safeguarded in both our current and emerging local plans.

We are currently consulting on preferred options for the joint local plan with South Oxfordshire, which includes a draft policy for SESRO, IN7. This public consultation provides an ideal opportunity for members, community representatives and individual residents to make their comments and to help shape the final policy.

6. Question from Councillor Thompson to Councillor Foulsham, Cabinet member for corporate services, policy and programmes

This month is LGBT+ History month. It coincides with the anniversary of the abolition of Section 28 in part to remind us of the vital role of education and teachers in ensuring LGBT+ persons are heard and respected. Since 2005, this initiative has aimed to raise awareness of, and combat prejudice against, LGBT+ people. Each year has a different theme, and this year highlights the LGBT+ community contributions to medicine and healthcare. It celebrates these contributions whilst also shining a light on the health inequalities that are still experienced by LGBT+ persons. Section 28 of the Local Government Act not only prevented the discussion of LGBT+ in schools but also prevented Council's from "promoting homosexuality." It contributed to a climate of hatred and fear and its lasting impact on LGBT+ persons and the community must not be forgotten. At a time when the LGBT+ community is experiencing a rise in hate crime, how is Council acknowledging LGBT+ history month, and what is Council doing now and over the next three years to ensure that LGBT+ persons' needs are considered and that they are welcome and included in the Vale of White Horse.

Written response

I'd like to thank Councillor Thompson for this question, in which he raises an important topic. Section 28 feels like a piece of legislation from a bygone era, and I think anybody today who is unfamiliar with it would be shocked to learn how recently it was still in place.

As a public authority, our residents can and should expect us to show moral leadership on issues facing everybody in our communities, to be able to shine a light on injustices and to celebrate our diversity.

It's for those reasons we recently adopted our Equality and Diversity strategy, which includes an action plan to set out some of the things we will do to ensure that we provide strong and public support for staff, members, residents, businesses, and groups who belong to all of our diverse communities.

One of the first actions to take place, was the setting up of a network of staff Equality, Diversity and Inclusion Champions who have begun work, meeting every three months to set out their objectives and plan their actions.

We are looking at establishing deep-rooted cultural processes and mindsets within the council, and I'm sure Members can understand that it takes time to embed practices and I'm content that the actions underway are doing that rather than just ticking boxes and engaging in public displays of tokenism. The People and Culture team is resourced to ensure we meet our ambitious objectives, and Consultation and Engagement Officers have also created an equalities database to ensure we go the extra mile to engage with all our communities.

The council also has a Diversity and Social Campaigns Calendar published on the website that outlines the social campaigns and events we will support throughout the year. It's reviewed and updated annually.

This year's calendar sets out that the council has chosen to publicly support Pride month in June as the key focus for our celebration and support for our LGBTQ+ communities. The communications team tell me that this is a topic that generates excellent engagement from the public on social media.

So, while LGBTQ+ History Month in February isn't in this year's calendar, I can assure Council that we take seriously the important issues raised in Cllr Thompson's question, and we tackle them alongside the wider celebrations of our LGBTQ+ friends, family members and neighbours in June.

7. Question from Councillor James to Councillor Thomas, Leader of the council and Cabinet member for climate action and the environment, strategic partnerships and place

Even since we last met as a Council there have been several power cuts in my rural ward. Speaking to councillors and residents in other parts of the district, power cuts are an irregular, but not uncommon, occurrence outside the towns. They often happen due to high winds but also on other more unexpected occasions. The electricity infrastructure is currently not adequately resilient to provide a supply with a high degree of confidence. We expect in the future to need to increase the electricity supply as the strategy for decarbonising heating and transport includes significantly electrifying these sectors so the impacts of this are only set to grow.

Power cuts are difficult for all, usually resulting in no heating as many households have some form of central heating that relies on electric pumps, whatever the fuel. Increasing numbers of us work from home, but not without broadband in a power cut. But they disproportionately affect those who are already vulnerable: the old, the very young, and those with health issues.

How are we engaging as a Council with our local network operator Scottish and Southern Electricity Networks (SSEN) on behalf of our residents to try and improve the quality of the infrastructure in the rural areas of our district and make sure that it will be fit for the future? As a Council, is there anything more that we can do, working with SSEN and other partners, to ensure that vulnerable residents are kept safe when power cuts occur?

Written response

Thank you for your question, and I share your concern about the quality of our electricity infrastructure.

Nationally there has been under-investment over many years and there is a shortage of capacity on the grid. This is not a problem confined to the Vale, and it is not something which we can solve on our own.

With our local partners in the Future Oxfordshire Partnership we provided evidence last summer to a parliamentary Environmental Audit Committee, and only last month

our submission was used by the District Councils Network in their own evidence to this continuing inquiry into enabling sustainable electrification of the UK economy.

So, I am happy that we are already making our voice heard. I know that officers county-wide are working together with SSEN and other distributors on local area energy planning, and I wish to see us continue to support this work.

We should expect that demand for electrical power will continue to increase as we reduce our dependence on fossil fuels. We cannot ourselves provide the necessary resilient infrastructure, but we can and will continue to press for more to be done and to work through the wider Future Oxfordshire Partnership to amplify that voice.

8. Question from Councillor Foxhall to Councillor Dewhurst, Cabinet Member for Leisure Centres and Community Buildings

In the Development and Corporate Landlord fee proposals for 2024/5, we are intending to introduce a new 20p fee to use public toilets in the Charter and Portway car parks in Abingdon and Wantage, and to retain the existing fee in Hales Meadow and Millbrook Square (Grove).

Freely accessible public toilets are essential for public health, accessibility and inclusion – they make being in public spaces possible for many people including people with health conditions or who are pregnant, families with young children and the elderly. I appreciate that the costs involved have forced many local authorities to reduce their provision of public conveniences, but to charge for access does seem to go contrary to our corporate plan priorities of Building Healthy Communities and Working in an Open and Inclusive Way.

Could the cabinet member please explain the justification for why we are introducing charging for some toilets and not others in the district, and what format the charging will take?

Written response

I recognise the importance of accessible public toilets for all, and I am pleased that we have been able to continue to provide such facilities across the Vale, at a time when many councils are being forced to close public toilets due to financial pressures.

We are introducing a new 20p charge for the facility at the Charter, Abingdon. Historically, the public toilets in the Charter have been vandalised/abused and have sadly attracted antisocial behaviours making it uncomfortable for the public/users and for our own the cleaning staff to undertake their work. We have recently spent £37,718 renovating one unisex toilet at this site and in order to try and reduce the amount of vandalism and gathering of groups in the area, the small charge has been introduced.

It is a similar situation at Abbey Meadow toilets where significant vandalism has been occurring and we are therefore introducing a 20p charge on this site too.

For the new 'Changing Places' funded toilet and improvements at Portway WC, no charge has currently been introduced as vandalism in that facility has not been a problem in the past. During the recent refurbishment of the toilets (at a cost of £223,265) the ability to charge in future has been installed, should vandalism become an issue in the future.

The other toilets where we charge are in Hales Meadow car park, Abingdon and School Lane in Grove which are unisex 'superloo' toilets which are fitted with charging mechanisms to prevent vandalism.

Disabled users are able to access the toilets at Hales Meadow, Abingdon and School Lane, Grove, along with the one at the Charter, Abingdon, free of charge, using a RADAR key.

In summary, vandalism costs the council significant amounts. We plan to monitor the use of the facilities where we have introduced the 20p charge to see what effect the charge has on the use of the toilets and the level of vandalism.

In first six months of 2023/24, we spent £7,368 on vandalism repairs to toilets from a £9,100 budget for toilet repairs and maintenance. This is often from people blocking pans or ripping off the toilet roll holders or graffiti inside the toilet areas. Additional staff cleaning costs have also been incurred.

When toilets are vandalised, there is often a period of time when the toilets are then not operational and by introducing a small charge, we hope to ensure that the toilets are accessible more of the time.

Due to the issues with cash collection, banking and risk of theft, all charging is now processed using contactless payment cards, so no cash is stored in the facilities.