

Joint Overview and Scrutiny Committee - Sewage spill 2012

Report by the Director for Digital and Resources

1.0 Summary

- 1.1 This report provides a briefing to assist the Committee in reviewing the sewage spill which affected the Adur and Worthing beaches in September 2012.

2.0 Background

- 2.1 At the meeting of the Committee on 17 March 2016, it was agreed that a review/investigation would be undertaken on the sewage spill which affected Adur and Worthing beaches in September 2012. The Committee assessed the suitability of this item for review in accordance with the assessment criteria. The Committee has previously wanted to review the incident but has been prevented from doing so because of pending legal proceedings which have now been resolved.
- 2.2 In early September 2012 Southern Water released an estimated 40 million litres of untreated waste water from its East Worthing treatment works out to sea via the 1km short sea outfall. The reason for this was due to the failure of a key sensor and subsequently two associated pumps at the treatment works which meant wastewater could not be treated and released to sea as usual via the 5km long sea outfall. Southern Water put in place temporary measures to treat or store half of the flows entering the site. The company maintains that to prevent the sewer network from backing up and flooding Worthing's hospital and other nearby properties, it deliberately released the remaining untreated wastewater to sea. These actions subsequently resulted in the Councils closing all public beaches between Southwick and Ferring for six days in September 2012 because of fears that the bathing water quality would be affected. The release of untreated wastewater to sea is not permitted by the environmental consent granted to Southern Water by the Environment Agency.
- 2.3 In August 2015 Southern Water was subsequently prosecuted by the Environment Agency and found guilty of a breach of environmental regulations at Chichester Crown Court, fined £160,000 and ordered to pay £27,000 costs to the Environment

Agency. Two further charges relating to the maintenance of equipment were dismissed by the judge.

3.0 Consideration by the Joint Overview and Scrutiny Committee

- 3.1 The Committee has requested that the matter be considered in the interests of the Adur and Worthing community to hear more about what Southern Water and the Environment Agency are doing/have done to prevent a similar incident occurring and any other planned investment in infrastructure.
- 3.2 Representatives from Southern Water and the Environment Agency will be attending the Committee to explain the background to the sewage spill and what has been/is being done to improve the situation to ensure that the situation does not occur again.
- 3.3 As part of its 'Challenge' role, the Committee will have the opportunity to put questions to Southern Water and the Environment Agency on the incident and members of the public will also be allowed to submit questions.

4.0 Proposals

- 4.1 The Committee is requested to review the September 2012 sewage spill incident and consider if any further action is required.

5.0 Legal

- 5.1 Under Section 111 of the Local Government Act 1972, the Council has the power to do anything to facilitate or which is conducive or incidental to the discharge of any of their functions.
- 5.2 Section 1 of the Localism Act 2011 provides a Local Authority to do anything that individuals generally may do (subject to any current restrictions or limitations prescribed in existing legislation).
- 5.3 Section 3(1) of the Local Government Act 1999 (LGA 1999) contains a general duty on a best value authority to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

6.0 Financial implications

- 6.1 There are no known financial implications for the Councils arising from this report.

7.0 Recommendation

- 7.1 That the Committee reviews the sewage spill incident which occurred in September 2012 and considers if it would like to undertake any further investigations into the issue or receive any further evidence.**

Local Government Act 1972

Background Papers:

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6 June 2016

Schedule of other matters

1.0 Council Priority

1.1 Matter considered and issues related to Council Priorities identified.

2.0 Specific Action Plans

2.1 Matter considered and no issues identified.

3.0 Sustainability Issues

3.1 Matter considered and no issues identified.

4.0 Equality Issues

4.1 Matter considered and no issues identified.

5.0 Community Safety issues (Section 17)

5.1 Matter considered and no issues identified..

6.0 Human Rights Issues

6.1 Matter considered and no issues identified.

7.0 Reputation

7.1 Matter considered and no issues identified.

8.0 Consultations

8.1 Matter considered and no issues identified.

9.0 Risk assessment

9.1 Matter considered and no issues identified.

10.0 Health & Safety Issues

10.1 Matter considered and no issues identified.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 **Partnership working**

- 12.1 Matter considered. The sewage spill incident affected both Adur and Worthing beaches in 2012 and the Councils worked in partnership with Southern Water and the Environment Agency to protect the beaches and residents during this time.