



Surrey Heath Borough Council
Surrey Heath House
Knoll Road
Camberley
Surrey GU15 3HD
Telephone: (01276) 707100
Facsimile: (01276) 707177
DX: 32722 Camberley
Web Site: www.surreyheath.gov.uk

Division: Legal & Democratic Services
Please ask for: Rachel Whillis
Direct Tel: 01276 707319
E-Mail: democratic.services@surreyheath.gov.uk

To: All Members of the **COUNCIL**

The following papers have been added to the agenda for the above meeting.

They were not available for publication with the rest of the agenda.

Yours sincerely

Damian Roberts

Chief Executive

SUPPLEMENTARY PAPERS

	Pages
9. Questions from Councillors	3 - 6
(a) To deal with questions, if any, received under Council Procedure Rule 11.	
(b) The Leader to answer questions from Members in relation to the Executive functions under Council Procedure Rule 11A.	

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Council
26 July 2023
Agenda Item 9 – Questions from Councillors

Procedure Rule 11 - Questions from Councillors

1. The following question has been submitted by Councillor Jonathan Quin under Procedure Rule 11:

To the Net Zero, Well-being & Environment Portfolio Holder

“As the portfolio holder is aware, there has been an offensive smell from the Camberley sewage works which has caused substantial interference with residents' enjoyment of their homes and their gardens, in both St Michaels and Watchetts wards.

Despite promises from Thames Water that a temporary odour control unit would resolve the problem while repairs are ongoing, the smell has been persistent and disruptive. What further steps is the council taking and has the council considered using its statutory powers under the Environmental Protection Act to resolve the issue?”

Response from the Portfolio Holder:

“The Council has written to Thames Water using its statutory powers under the statutory nuisance provisions of the Environmental Protection Act 1990.

If council officers are satisfied that odour constituting a statutory nuisance exists or is likely to occur or recur, it must serve an abatement notice, under the Act, upon the person or Company responsible. Authority to serve an abatement notice has been delegated to the Boroughs Environmental Health Practitioners.

Thames Water has a “best practicable means” [BPM] defence against any abatement notice i.e., they can seek to prove that, even if nuisance does exist, it is unavoidable having regard to current technology and/or costs. It is acknowledged that it is not known whether Thames Water would contest any abatement notice, but it is to be noted that they have done so elsewhere through the full legal process.

Whilst the Council is keen to resolve this issue for residents as soon as possible, the Council does not have unfettered discretion to require works by Thames Water and we can only require them to take appropriate steps to mitigate any impact as far as it is practicable to do so.

The Council's Environmental Health Practitioners are currently undertaking their investigations to determine if statutory nuisance exists and determine if Thames Water are employing BPM to reduce any impact as far as it is practicable to do so.

We have met Thames Water and the following mitigation measures are being implemented to reduce odours as far as it is practicable to do so including odour suppression misting system operating 24 hours a day 7 days a week.

At my request officers convened a meeting with Thames Water which was attended by myself and Ward Councillors for Watchetts and St Michaels. We were firm that Thames Water must resolve the horrific odours that residents are experiencing. The main outcomes from that meeting were:

1. We were assured that processing of the sludge would commence yesterday and would take no more than 4 weeks
 2. A site visit for Councillors was agreed by the end of next week at the latest
 3. An additional odour control unit would be considered to further nullify the odour
 4. This was a last-ditch option for the treatment of sludge due to unplanned outages elsewhere in TWs treatment infrastructure. Assurances were given this wouldn't be a regular occurrence
 5. A further meeting would be convened to determine the cause of the seasonal odour issues experienced by residents.
 6. Officers will continue to monitor and engage with TW in relation to ongoing odour issues
 7. TW acknowledged their communications with residents had been poor and will be improved."
2. The following question has been submitted by Councillor Murray Rowlands under Procedure Rule 11:

To the Sustainable Transport & Planning Portfolio Holder

"In response to the recent announcement that South West Trains will likely close their ticket offices in Surrey Heath, what steps are being taken to ensure that every resident of our Borough has access to public transport and no resident, especially those with disabilities, is excluded by difficulty in buying a train ticket?"

Response from the Portfolio Holder:

"The Council is of course concerned about any changes that may impact on the lives of Surrey Heath Residents including our disabled residents. I also share the view that no resident, especially disabled residents, should be excluded from using the rail service due to difficulties purchasing a ticket.

First of all, please can I be clear that while the Council is responsible for a wide range of local services in Surrey Heath, it does not run the rail service. That is ultimately the responsibility of Network Rail. I am however aware that the proposals from South Western Railway relate to the way that they sell tickets at their stations and forms part of their plans to modernise the railway and bring it more in line with changing customer behaviour and expectations.

I understand that the rail service has already seen significantly reduced usage of physical ticket offices as customers move to alternative, more convenient ways of buying tickets. For example, they quote that more than three-quarters of passenger journeys are already made using electronic payment methods such as eTickets and Contactless and that more than 99% of tickets can be purchased in this way.

South Western Railway have also said that they are transitioning to new multi-skilled roles with a clear focus on having greater visibility at their stations in helping customers in a variety of ways (including ticket purchasing, journey planning, and more practical assistance for mobility-impaired customers) all of which would not be possible when staff are sat behind a screen in a ticket office. A more visible staff presence is also likely to contribute to a greater feeling of safety for those using the station and is therefore likely to encourage more people to make use of the service.

Most importantly, the train company have said that they will continue to meet all their commitments regarding accessibility for passengers, including passengers with reduced mobility and people requiring in person assistance.

If there is evidence that South Western Railway have failed to meet this commitment, the Council would make appropriate representations to the management of South Western Railways and the Regulator.

I can confirm that as I have been recently appointed to the Blackwater Valley Advisory Committee for Public Transport, I am happy to ensure that these proposals are brought to the attention of the Chair for consideration.

I would also like to take this opportunity to confirm that the consultation for the proposals has been extended until Friday 1st September. Any representations should be made to either Transport Focus or London TravelWatch; the details on how to respond appear on Southern Western Railway's website."

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