

Meeting of:	<b>Cabinet</b>
Date of Meeting:	Monday, 21 October 2019
Relevant Scrutiny Committee:	Environment and Regeneration
Report Title:	Rationalisation of cesspool management at Channel View (Marcross) and Croft John (Penmark)
Purpose of Report:	To inform Cabinet of progress implementing a cesspool emptying regime at Channel View, Marcross and Croft John, Penmark.
Report Owner:	Cabinet Member for Neighbourhood Services and Transport
Responsible Officer:	Miles Punter – Director of Environment and Housing Services
Elected Member and Officer Consultation:	<p>Head of Neighbourhood Services and Transport            Environment and Housing Accountant,            Monitoring Officer/Head of Legal and Democratic Services,            Head of Finance,            Head of Housing and Building Services            Cllr G. Kemp, Cllr A. Davies, Cllr S. Hanks, Cllr G. John, Cllr J. Norman,            Cllr E. Williams</p>
Policy Framework:	This report is a matter for Executive decision by Cabinet
<p>Executive Summary:</p> <ul style="list-style-type: none"> <li>• The Council is currently managing a cesspool emptying service at Channel View, Marcross and Croft John, Penmark.</li> <li>• An assessment into alternative sewage disposal arrangements is underway for the Channel View cesspool and it is proposed that a similar assessment is undertaken for the Croft John cesspool.</li> <li>• There are issues with the recovery of costs for the emptying of these cesspools as they present an expensive option for sewage disposal when compared to conventional mains sewerage options.</li> <li>• Further details relating to the recovery of costs are contained in Part II of this report.</li> </ul>	

## **Recommendation**

1. That the Cabinet notes the contents of the report and considers in conjunction with the associated report in Part II of this agenda.
2. That Cabinet authorises the Director of Environment and Housing Services to commission an options appraisal and viability assessment, funded from the Housing Revenue Account, considering alternative sewerage solutions at Croft John, Penmark.
3. That Cabinet receives a further report in due course identifying the options and relevant issues arising from the analysis.

## **Reason for Recommendation**

1. To apprise Cabinet of the current position regarding the cesspits at Marcross and Penmark
2. To inform further more detailed deliberation.
3. To enable consideration of any alternative long term sewerage solutions.

## **1. Background**

- 1.1 Council housing constructed in more rural areas of the Vale of Glamorgan were commonly served by a communal cesspool. The sale of former council properties over a number of decades has left cesspools in the ownership of the Council which serve few or no council housing properties. In some instances the land containing the cesspools serving current council housing stock has been sold, whilst the Council retains the right to access and empty the cesspool.
- 1.2 Cabinet was advised on 21st September 2015 (Minute number C2917 refers) of the general situation regarding ownership and emptying of former council housing communal cesspools by the Council. A charging regime for properties connected to the council owned cesspools at Channel View, Marcross and Penmark was approved and the Director of Environment and Housing Services granted delegated authority to implement and manage the service. It was also resolved that subject to the Head of Legal Services being satisfied that insufficient scope is available to recover in whole or part, the estimated £439,041 costs incurred in emptying the Channel View (Marcross), Croft John (Penmark) and Church Terrace (St Mary Church) cesspools in default from 2002 to March 2016, be written off.
- 1.3 Cabinet recommended that officers subsidise Council tenant rents to pay the cesspit costs bringing them in line with other Council tenants across the Vale.

These full costs would fall on the Housing Revenue Account (HRA) and the Council would only recover a proportion via rent income.

- 1.4** Invoices have been issued for the emptying service being provided at Channel View, Marcross and Croft John, Penmark to privately owned properties since 1st April 2016. The cost of emptying is divided equally between all residential properties served by the cesspool. Where a non-residential property (Penmark Village Hall) is connected to the Croft John cesspool a charge commensurate with the reduced sewerage loading is applied. This is considered the fairest allocation of costs as differing occupancy rates, demographics and general water consumption rates make a more detailed consideration overly complex and no fairer.
- 1.5** The estimated annual emptying costs per residential property for 2019/20 are £2,726.12 and £1,026.26 at Channel View and Croft John, respectively. The emptying charge for the Penmark Village Hall for the same period is £91.30.
- 1.6** Potential alternative options are under consideration for the disposal of sewage from Channel View, Marcross, and an options appraisal and viability assessment exploring the potential replacement of the cesspool (Cabinet Minute C181, 18th December 2017) is the subject of a further report on this agenda. This project will not prejudice the Council's ability to recover emptying costs from the residents, either through the existing arrangement or by residents signing up to a new agreement. An inspection of the Channel View cesspool and associated foul drainage network was undertaken in November 2018. The report confirms that the cesspool is generally sound and in a good state of repair, with some routine maintenance and repairs required on the pipe network.
- 1.7** The emptying rates at the Croft John cesspool are currently under investigation as the volume of sewage being taken away is significantly lower than would be expected from the number of properties connected. Whilst there will always be variations in the volume of emptying, the emptying rates observed suggest that sewage could be leaking from the system that warrants further investigation.

## **2. Key Issues for Consideration**

- 2.1** Cleansing and repairs are required to the Channel View, Marcross foul drainage network to maintain the system in an acceptable condition and reduce the risk of future structural failures. As per the General Principles of the Emptying Service approved by Cabinet in 2015 (C2917), the cost of ongoing maintenance and repairs to the cesspools and pipe connections to properties will be dealt with separately to the proposed emptying service. The costs for undertaking these works will be proportioned equally between all properties served by the foul sewer at the location of the defect. For example, a repair to the cesspool would be equally divided between all 10 properties at Channel View. A defect repaired under the parking access closer to the top of the system would be equally

divided between only 2 properties. Invoices will be raised for all affected properties and payments for private residences will be managed via the Income Management section. A failure to pay the invoice will initially be addressed by contacting the resident to arrange payment of the overdue balance. If a resident continues to fail in the payment of outstanding balances the Council may issue a County Court Summons plus costs to recover the balance owed.

- 2.2** Although the Croft John, Penmark emptying costs are generally lower per property than at Channel View, Marcross they are still significantly higher than the equivalent charges for a connection to a public foul sewer. The total cost of subsidising the emptying costs for three Council owned properties at each site was calculated in 2015 as £7,631.49 per annum. It is therefore recommended that an initial feasibility study into alternative sewage disposal options is undertaken for the Croft John site, comparable to that undertaken for Channel View, and that the assessment be funded by the Housing Department as cesspool owner particularly given the potential future savings accruing to the Housing Revenue Account (HRA) from a cheaper, alternative disposal or treatment regime.
- 2.3** The Croft John cesspool and associated foul network requires inspection to confirm the operational condition of the network, identify potential defects where losses could be occurring from the system and also to inform the feasibility study recommended above. The cesspool was relined in January 2009 and testing will be undertaken to confirm that the tank remains watertight. If the cesspool is inspected and found to be functioning correctly then additional investigations and remedial works may be required further up the system. Given the age of the system additional repair works, and associated cost to the residents, are considered likely. It is proposed that the cost of inspecting the foul system is covered by the HRA as part of undertaking the feasibility assessment recommended above. The same principle of cost recovery from individual property owners as outlined in section 2.1 above will be applied for any works or cleansing resulting from the investigation.

### **3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?**

- 3.1** This matter has been ongoing for many years without a credible long term solution for the residents affected. The clarification of the payment arrangements ensures that foul water can be managed for private residents at no additional costs to the Council tax payers.
- 3.2** A further report on this agenda aims to provide residents with better long term options for the management of their foul drainage hence preventing further problems in the future associated with cesspit emptying costs and the potential for sewage discharges onto the highway and public land.

- 3.3 The future solutions tabled in the further report on this agenda require the involvement of Natural Resource Wales.
- 3.4 The charging arrangements and possible future solution will involve discussions and detailed negotiations with the residents served by the cesspools.
- 3.5 By implementing an appropriate and fair charging regime the Council is able to contribute to our Well-being Objective "To protect, enhance and value the environment" ensuring that sewage is safely disposed of without harming the environment both in the immediate and longer term.
- 3.6 By undertaking additional feasibility and options appraisal for the Croft John, Penmark site the Council is ensuring equal treatment between the two groups of residents. Also, by working towards a potentially more sustainable solution, such as a packaged treatment plant, we are looking longer term to try and make the provision of sewerage more affordable whilst also delivering potential environmental benefits, such as a reduction in carbon footprint due to reduced tanker movements.

## **4. Resources and Legal Considerations**

### **Financial**

- 4.1 Due to current priority drainage projects and resultant officer capacity it is not possible to undertake an options appraisal and viability assessment for the Croft John, Penmark cesspool "in-house". It is estimated that a cost provision of £15,000 be set aside from the Housing Revenue Account to fund the feasibility study. The project will be overseen by officers from within the Council's Engineering and Housing sections. The commissioning of a suitably qualified consultant to undertake this work will be in line with the Council's Contract Procedural Rules and Financial Procedural Rules.
- 4.2 There are issues with the full recovery of costs for the emptying of both the Channel View and Croft John cesspools and these are detailed within the Part II report later on this agenda.

### **Employment**

- 4.3 There are no employment implications to this report.

### **Legal (Including Equalities)**

- 4.4** The residents at the former Council-owned properties are obliged to contribute towards the maintenance and emptying costs of the cesspits at Channel View and Croft John by virtue of the covenants within their respective Transfers at the time of purchase.

## **5. Background Papers**

Channel View, Marcross Cesspool Replacement - Options Appraisal, Cabinet, 18th December 2017

[https://www.valeofglamorgan.gov.uk/Documents/\\_Committee%20Reports/Cabinet/2017/17-12-18/Reports/Channel-View-Marcross-Cesspits-Cabinet-Report.pdf](https://www.valeofglamorgan.gov.uk/Documents/_Committee%20Reports/Cabinet/2017/17-12-18/Reports/Channel-View-Marcross-Cesspits-Cabinet-Report.pdf)

Rationalisation of Cesspit Emptying (Cesspools) at Channel View (Marcross), Croft John (Penmark) and Church Terrace (St Mary Church), Cabinet, 21st September 2015

[https://www.valeofglamorgan.gov.uk/en/our\\_council/Council-Structure/minutes,\\_agendas\\_and\\_reports/reports/cabinet/2015/15-09-21/Rationalisation-of-Cesspit-Emptying.aspx](https://www.valeofglamorgan.gov.uk/en/our_council/Council-Structure/minutes,_agendas_and_reports/reports/cabinet/2015/15-09-21/Rationalisation-of-Cesspit-Emptying.aspx)