

## Full Council 13 January 2022

### Members Questions

#### Question from Cllr Swain

*At the full council meeting in November, it was twice suggested that a councillors' human rights were being abused when the chair interrupted the speaker. The Human rights act is very important and not to be made light of.*

*In the legal opinion of the council's monitoring officer, Is it an abuse of human rights for a speaker to be interrupted by the chair? if so, we should all know, and we can all behave accordingly.*

#### **Response from Executive Member for Corporate Services**

Article 10 Human Rights Act 1998 states:

1. *Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.*
2. *The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.*

Consequently, while freedom of expression is protected in the UK, it must be borne in mind that this freedom is a qualified right, meaning that there are certain circumstances in which it may be overridden. As a result, the UK allows for the regulation of free speech and the ultimate blocking of speech, eg to protect people from suffering abuse on account of who they are.

Council meetings are occasions when the business of the Council is conducted, political debate takes place and decisions made. Those meetings take place within a statutory framework and pursuant to the provisions and obligations provided for by the Local Government Act 1972 amongst others.

Arising from that legislation are the rules of debate as set out in the Council's constitution. The Chair conducts such meetings in accordance with those rules, so as to ensure that the business of the Council is conducted in a fair and equitable manner. The alternative being anarchy and chaos.

It is trite law that such rules and procedures are necessary in a democratic society. Therefore, any curtailing by the Chair of an attempt by a member to step outside of those rules for the purpose of making a speech or other reason would be a lawful infringement of the member's right to say what they want when they want. It should be remembered that such lawful infringement operates within a regime that makes provision for the making of speeches and expressing opinion.

## **Questions from Cllr Macgregor**

*1. South West Water's licence to dump untreated waste and faecal matter is predicated on what the Environment Agency term 'Storm Events' which affect capacity through increased run-off into drains and sewers. Does the authority have a full understanding of what a 'storm event' is as described by the EA?*

### **Response from Executive Member for Planning**

The Environment Agency regulates discharges from sewer overflows and waste water treatment works through environmental permits which will set the design standards for each individual storm overflow. Further details can be found at [Water companies: environmental permits for storm overflows and emergency overflows - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/water-companies-environmental-permits-for-storm-overflows-and-emergency-overflows).

*2. Does this authority know how many designated storm events occur annually as defined by the EA and if not why not?*

### **Response from Executive Member for Planning**

Teignbridge District Council does not have regulatory authority in relation to discharges. However, South West Water does publish this information on annual basis- [south-west-water-2020-storm-overflows.pdf \(southwestwater.co.uk\)](https://www.southwestwater.co.uk/edm-return-2020) and [southwestwater.co.uk/ edm-return-2020](https://www.southwestwater.co.uk/edm-return-2020)

*3. "The Urban Waste Water Treatment Regulations (UWWTR) require sewer networks for agglomerations with a population equivalent of 2,000 or more to be designed, constructed and maintained according to best technical knowledge not entailing excessive costs (BTKNEEC). This includes the volume and characteristics of the wastewater, the prevention of leaks, and the limitation of pollution of receiving waters due to storm water overflows. The regulations supplement the duty imposed on sewerage undertakers by the Water Industry Act 1991 to provide, improve, and extend a system of public sewers. In accordance with long- standing guidance (DETR, 1997) where such overflows have an adverse environmental impact, measures are required to address these problems.*

*Recently, there have been concerns expressed regarding the frequency of discharge as well as the environmental impact. Population growth, urban creep, infiltration and changing rainfall patterns will further increase the likelihood of discharges from storm overflows. What is this authority doing to ensure that SWWater are following the legislation?*

### **Response from Executive Member for Planning**

– The Environment Agency are the regulatory authority, and they are responsible for ensuring South West Water comply with the legislation, not the District Council. Planning for future development was considered in the response to [previous questions at Full Council](#) and was also addressed in the presentation given by the Environment Agency and South West Water to the [Overview and Scrutiny Committee on 15 November 2021](#).

*4. Will the authority request from SW Water the following information (Bearing in mind the recommended advice by Ofwat, the concerned regulatory body)?*

*Why are there so many storm overflows?*

*Why if capacity is deemed resilient until 2036 are there so many releases?*

*What is the most up to date rainfall catchment data?*

*What is the most recent water situation report?*

*What is the inspection and maintenance regime of SWWater assets - gravity drains, sewers, treatment works, dams etc?*

### **Response from Executive Member for Planning**

This information can be requested from South West Water via the following link <https://www.southwestwater.co.uk/environment/environmental-information-regulations/>. Again, Teignbridge District Council does not have regulatory responsibility for South West Water activities in relation to sewer overflows.

*5. What other work is going on with other stakeholders in respect of pollution from water releases? Devon & Severn IFCA, for instance?*

### **Response from Executive Member for Planning**

– The authority is engaged with South West Water on the production of their Drainage and Wastewater Management Plans, which is the way for organisations to work together to improve drainage and environmental water quality. This is still at an early stage and there was an introduction to this process at the end of September 2021. We are awaiting further consultations on the Drainage and Wastewater Management Plans as it progresses. Further information about Drainage and Wastewater Management Plans can be found at [Working Together an overview of Drainage and Wastewater Management Plans.pdf](#)