

ALISTAIR COCHRAN

THAMES WATER UTILITIES LIMITED

SUMMARY OF OFFENCES

Legislation applied with regard to the offence of Public Nuisance to a total of 7 counts against Alistair Cochran, Chief Financial Officer of Thames Water Utilities Ltd. Date of appointment September 2021 to current date.

COUNT 1 - [UNSAFE INFRASTRUCTURE] Knowingly putting the public at risk through the operation of unsafe infrastructure

COUNT 2 - [UNSAFE DRINKING WATER] Knowingly risking the provision of unsafe drinking water

COUNT 3 - [ILLEGAL DISCHARGE OF SEWAGE] Pollution of rivers by virtue of illegal sewage spills

COUNT 4 - [MISMANAGEMENT OF CUSTOMER FUNDS] Profits and bonuses over vital infrastructure investment

COUNT 5 - [DERELICTION OF STATUTORY DUTIES] Non-compliance and neglect of statutory duties

COUNT 6 - [DERELICTION OF STATUTORY AND ENVIRONMENTAL DUTIES] Failing to ensure essential environmental protection

COUNT 7 - [DAMAGE TO AND CLOSURE OF PUBLIC AMENITY] Cafe, ice rink

EVIDENCE IN SUPPORT

APPENDIX

Count 1

Statement of Offence

Intentionally or recklessly caused a public nuisance,
contrary to section 78 of the Police, Crime, Sentencing and Courts Act 2022

Particulars of Offence

ALISTAIR COCHRAN, Chief Financial Officer of Thames Water Utilities Ltd on various days between the **1st day of OCTOBER 2021** and **18th day of MARCH 2025** did do an act, namely, **of knowingly putting the public at risk through the operation of unsafe infrastructure** and that created a risk of or caused serious harm to the public or a section of the public, and obstructed the public or a section of the public in the exercise or enjoyment of a right that may be exercised or enjoyed by the public at large, intending or being reckless that it would have such a consequence.

Count 2

Statement of Offence

Intentionally or recklessly caused a public nuisance, contrary to section 78 of the Police, Crime, Sentencing and Courts Act 2022

Particulars of Offence

ALISTAIR COCHRAN, Chief Financial Officer of Thames Water Utilities Ltd on various days between the **1st day of OCTOBER 2021** and **18th day of MARCH 2025** did do an act, namely, **of helping to create a working culture such that staff were limited in their ability to ensure the provision of safe drinking water in the course of their work** and that created a risk or caused serious harm to the public or a section of the public, and obstructed the public or a section of the public in the exercise or enjoyment of a right that may be exercised or enjoyed by the public at large, intending or being reckless that it would have such a consequence.

Count 3

Statement of Offence

Intentionally or recklessly caused a public nuisance, contrary to section 78 of the Police, Crime, Sentencing and Courts Act 2022

Particulars of Offence

ALISTAIR COCHRAN, Chief Financial Officer of Thames Water Utilities Ltd on **10 DECEMBER 2024** (and on other days between that date and the **12th day of SEPTEMBER 2023** and the **12th day of SEPTEMBER 2024** did an act, namely, **allowing the release of sewage into rivers without permit and polluting them to the extent** that it created a risk or caused serious harm to the public or a section of the public, and obstructed the public or a section of the public in the exercise or enjoyment of a right that may be exercised or enjoyed by the public at large, intending or being reckless that it would have such a consequence.

Count 4

Statement of Offence

Intentionally or recklessly caused a public nuisance, contrary to section 78 of the Police, Crime, Sentencing and Courts Act 2022

Particulars of Offence

ALISTAIR COCHRAN, Chief Financial Officer of Thames Water Utilities Ltd on **10 DECEMBER 2024** (and on other days between that date and the **1st day of OCTOBER 2021** and **18th day of MARCH 2025** did an act, namely, **by virtue of publication of this and other Company Annual Report(s) and interim financial results, did knowingly mis-manage Thames Water Utilities Ltd funds to the extent that spending on vital asset maintenance programmes required to ensure safe provision of clean drinking water and safe, sustainable infrastructure had been deliberately deprioritised in favour of profits and bonuses** and that created a risk or caused serious harm to the public or a section of the public, and obstructed the public or a section of the public in the exercise or enjoyment of a right that may be exercised or enjoyed by the public at large, intending or being reckless that it would have such a consequence.

Count 5

Statement of Offence

Intentionally or recklessly caused a public nuisance, contrary to section 78 of the Police, Crime, Sentencing and Courts Act 2022

Particulars of Offence

ALISTAIR COCHRAN, Chief Financial Officer of Thames Water Utilities Ltd on various days between the **1st day of OCTOBER 2021** and **31st day of DECEMBER 2022** omitted to do an act, namely, **failing to ensure compliance with statutory duties** and that created a risk or caused serious harm to the public or a section of the public, and obstructed the public or a section of the public in the exercise or enjoyment of a right that may be exercised or enjoyed by the public at large, intending or being reckless that it would have such a consequence.

Count 6

Statement of Offence

Intentionally or recklessly caused a public nuisance, contrary to section 78 of the Police, Crime, Sentencing and Courts Act 2022

Particulars of Offence

ALISTAIR COCHRAN, Chief Financial Officer of Thames Water Utilities Ltd on various days between the **1st day of OCTOBER 2021** and **18th day of MARCH 2025** did do an act, namely, **actively taking the decision to de-prioritise essential environmental improvements** and that created a risk or caused serious harm to the public or a section of the public, and obstructed the public or a section of the public in the exercise or enjoyment of a right that may be exercised or enjoyed by the public at large, intending or being reckless that it would have such a consequence.

COUNT 7

Statement of Offence

Intentionally or recklessly caused a public nuisance, contrary to section 78 of the Police, Crime, Sentencing and Courts Act 2022

Particulars of Offence

ALISTAIR COCHRAN, Chief Financial Officer of Thames Water Utilities Ltd on various days ahead of the **8th day of August 2022** by virtue of an omission of a remedial act, namely, **investment in vital infrastructure upgrade resulting in a burst pipe** and that created a risk or caused serious harm to the public or a section of the public, and obstructed the public or a section of the public in the exercise or enjoyment of a right that may be exercised or enjoyed by the public at large, intending or being reckless that it would have such a consequence.

EVIDENCE IN SUPPORT - ALL COUNTS

1.0 [COUNT 1](#) - [UNSAFE INFRASTRUCTURE] - EVIDENCE IN SUPPORT

[1.1 WITNESS STATEMENT 1](#)

- 1.2** Excerpt from TMS15 Asset Health Deficit Report [4](#)
- 1.3** Anna Isaac, Guardian article 17/11/24 [3](#)

6 Asset Health deficit assets no longer capable of reliably performing their function 6.1 Biogas Digesters – inspection and cleaning. Failure to Manage Digesters and Biogas in Waste Treatment is currently our highest safety risk (PR11.01.01). The main contributor to this risk score is the overdue statutory inspections of 33 digester tanks, out of our total asset fleet of 128 across 25 sites. Our standard requires that these digesters are physically and structurally inspected every 10 years. Our original AMP8 planning assumed that our inspections in AMP7 were on track and that we would deliver a further 33 inspections over AMP8, totalling £27.5m. However, we now forecast that we need to deliver 67 inspections in AMP8 and based on recent evidence in AMP7, the unit costs have increased and so the cleaning programme is forecast at £117.7m. In addition, £39.3m has been allocated for maintenance works on digester roofs. Therefore, our end of AMP7 asset health deficit on biogas digesters is £129.5m (netting off our original run rate assumption of £27.5m).

2.0 [COUNT 2](#) - [UNSAFE DRINKING WATER] - EVIDENCE IN SUPPORT

[2.1 WITNESS STATEMENT 2](#)

- 2.2** DWI Enforcement Policy and clean drinking standard [Report 2023](#)
- 2.3** Anna Isaac, Guardian article 17/11/24 [3](#)

3.0 [COUNT 3](#) - [ILLEGAL DISCHARGE OF SEWAGE] - EVIDENCE IN SUPPORT

- 3.1** Report of surge in sewage incidents. See [here](#)
- 3.2** 16,990 TW sewage discharges reported in 2023 over 8015 in 2022. Serious pollution events up from 331 to 350 (*Michael Bow, Telegraph 07/07/24*)[1](#)
- 3.3** National Incident Reports System records of sewage pollution reports and categorisations (1/2/3) 12/09/23-12/09/24. See [here](#)
- 3.4** Interim results (reference to known upsurge in spills). See [here](#)

In summary there were 147 in this period - four of which were classified as category one, at least on initial report, 53 as category two and 90 as category three. Category being the least serious of polluting events.

3.5 Pertaining to 3.3 above. There is no data as yet to confirm the status of these events in terms of further investigation, confirmed breach, conviction of offence or fine applied. However The number of enforcement cases by the EA since 2017 is also likely to be a significant underrepresentation of the extent of Thames Water's contraventions. Evidence presented by Professor Peter Hammond to the Industry and Regulators Committee's inquiry into the work of Ofwat (see [here](#)) concluded as follows:

"In November 2021, I published a report cataloguing 735 non-compliant spills of untreated sewage between 2017 and 2020 from 14 STWs operated by Thames Water[3]. In contrast, EA records for 2010-20, for 6,000+ STWs, describe 174 similar permit breaches and of those only 33 involved Thames Water. Therefore, less than 5% (33/735) of non-compliant spills were reported by Thames Water or recorded by the EA. Hence, the annual

environmental performance assessments of Thames Water for 2017-20, using data provided by the EA, were grossly inaccurate and undermined Ofwat's regulation of Thames Water, financial or otherwise.

In January 2022, I published a report recording a further 2,405 days with non-compliant spills between 2017 and 2021 from 44 different STWs operated by 7 WaSCs in England and Wales[4]. These non-compliant spills suggest that the annual environmental assessments for 2017-21 of Southern, South West, Thames, Welsh, Wessex and Yorkshire Water and United Utilities, were grossly inaccurate and undermined Ofwat's regulation of each company.

In summary, information which the EA obtains regarding the extent of sewage discharges, and therefore whether the section 94 obligations are being complied with is deficient in a number of respects. Ofwat appears to rely entirely on information provided by the EA. Neither Ofwat nor the EA has been proactively monitoring the extent of discharges (nor, in Ofwat's case any of the matters directly raised by the UWWT obligations), both compliant and non-compliant." (see [here](#))

3.5 Spills rose to 17,564 between January and September 2024, compared with 12,428 in the same period the previous year. See [here](#)

4.0 [COUNT 4](#) - [MISMANAGEMENT OF CUSTOMER FUNDS] - EVIDENCE IN SUPPORT

4.1 Ofwat Report - [Dividend Rules Breach](#)

4.2 Thames Water - [Interim Results 2024-2025](#)

5.0 [COUNT 5](#) - [DERELICTION OF STATUTORY DUTIES]

5.0 On 6 August 2024, Ofwat announced that it has proposed to fine Thames Water £104m for failing to comply with its statutory duties under the WIA and its licence appointment (see [here](#)). At least two of these transgressions are cited with trigger dates during the tenure of Alistair Cochran as Chief Financial Officer and Board Member.

5.1 Relevant excerpts from the above report

5.1.1 Ofwat Notice of Enforce Order (£104m penalty) August 2024, Page 5

Thames Water's failure to operate and manage its WWTW and network appropriately has meant that it has not minimised the adverse effects its disposal of wastewater can have on the environment. This failure has meant that there have been unpermitted and premature spills of wastewater from its WWTW and network - where wastewater has not gone through all of the treatment processes it is supposed to before being released into the environment. Such spills impact on the environment and can cause harm to the health and biodiversity of water bodies, the ability of customers to use water bodies recreationally in a safe way, and on customer and public trust in Thames Water, the wider water sector and its regulatory regime.

5.1.2 Ofwat Notice of Enforce Order (£104m penalty) August 2024

- The Licensee has contravened its statutory obligations by failing to ensure that its wastewater treatment works (WWTW) and collecting systems were operated, and the contents of its sewers treated, in accordance with the requirements of Regulation 4 and Schedule 2 UWWTR and section 94 WIA91; and
- The Licensee has contravened its Licence by failing to comply with the requirements of Condition P12.

5.1.3 It [Thames Water] has not, to date, acknowledged that the failings identified during the course of our investigation, in turn, constitute breaches of the UWWTR, section 94 WIA91 or Condition P. It has not been proactive in reporting these to Ofwat.

5.1.4 Despite the fact that Thames Water already had section 19 undertaking in place which covered Condition P as a result of previous enforcement action we had taken against it, the senior management and Board failed to act to address these issues. We consider this to be an aggravating factor.

5.1.5 The company's senior management and Board were aware of at least some of the compliance risks at Thames Water's WWTW and failed to act to address those risks with sufficient urgency (even when the initial impetus for the company to undertake the compliance risk assessment was the fact that it had been the subject of a record fine for a number of serious pollution incidents at its WWTW and where a failure to manage its FFT permit compliance had been identified as a critical factor). The Notice of Ofwat's proposal to issue an enforcement order and impose a financial penalty on Thames Water 160 company also chose to defer investment on addressing known compliance risks and focus resources on areas which, it acknowledges, were, historically, subject to greater regulatory scrutiny.

5.1.6 While Thames Water has claimed it has always acted as a reasonable company within the financial constraints imposed on it by the price review process, it is not evident that it sought further investment to enable it to address compliance risks over this period, nor is there evidence that its shareholders offered to fund any remedial work needed. Indeed, even when further opportunities arose to enable companies to access additional funding for schemes aimed at delivering lasting environmental improvements under the Green Recovery Programme

242, Thames Water failed, for example, to request funding to address issues associated with its high spilling sites

243 . It also failed to obtain any funding under the Accelerated Infrastructure Delivery Project

244, which, amongst other things, had invited submissions from companies for accelerated investment to tackle spills from storm overflows. In that case, Thames Water's proposals for funding related primarily to schemes aimed at improving water resilience, but here its proposals were rejected due to a lack of sufficient detail.

5.1.7 Compliance with legal and regulatory obligations is something which companies are required to meet as a minimum. It is not a choice that companies can make or an obligation they can decide to "de-prioritise". Page 143

6.0 [COUNT 6](#) - [DERELICTION OF STATUTORY AND ENVIRONMENTAL DUTIES]

6.1 Link to relevant Guardian article regarding Ofwat investigation launched as a result of journalist investigation. See [here](#)

7.0 COUNT 7 - [DAMAGE TO AND CLOSURE OF PUBLIC AMENITY]

7.1 WITNESS STATEMENT 3

7.2 Islington Citizen [article](#) 15/08/25

APPENDIX

1.1 WITNESS STATEMENT 1

WITNESS STATEMENT 1

WITNESS NAME: [REDACTED]

POSITION IN COMPANY: [REDACTED]

COMPANY: THAMES WATER UTILITIES LIMITED

DATE OF STATEMENT: NOVEMBER 2024

OPERATIONS HAVE BEEN HOLLOVED OUT AND CUT TO THE BONE.

WE'RE PUTTING THE PUBLIC AT RISK BY FAILING TO INVEST IN THE MOST BASIC NEEDS.

MANAGEMENT HAS NOT MOVED QUICKLY ENOUGH TO ADDRESS PROBLEMS SUCH AS WEAKENING EXPLOSIVE INFRASTRUCTURE, CONTAINERS HOLDING THE GAS PRODUCED BY SEWAGE [BIOGAS DIGESTERS] AND CRACKS IN RESERVOIRS.

THE [THAMES WATER] MANAGEMENT ALONG WITH OFWAT [THE WATER REGULATOR] HAVE BEEN TOO SLOW TO ADDRESS THESE PROBLEMS, ALLOWING THEM TO ESCALATE.

2.1 WITNESS STATEMENT 2

WITNESS STATEMENT 2

WITNESS NAME: [REDACTED]

POSITION IN COMPANY: [REDACTED]

COMPANY: THAMES WATER UTILITIES LIMITED

DATE OF STATEMENT: NOVEMBER 2024

THE ONLY WAY TO KEEP CLEAN WATER FLOWING WAS TO PROCEED WITHOUT APPROVAL [FROM MANAGEMENT TO PURCHASE THE NECESSARY CHEMICALS].

3.1 WITNESS STATEMENT 3

WITNESS STATEMENT 3

The August 2022 flood on Hornsey Road badly affected our family and community.

Our beloved local café, Broccoli, suffered extensive damage. Sandwiches floated, and the wooden flooring, installed just before its 2020 opening, was ruined. The owner's investment, including wedding gifts, was devastated. Their lives and livelihood destroyed in less than three minutes.

The Sobell Leisure Centre, central to our community, was severely flooded. The lower ground floor filled with water, leading to immediate evacuation and closure. The disruption felt by the local community at the loss of this amenity was significant.

The adjacent ice rink, a cherished spot for families, will never reopen and the trampoline park remains closed. My daughter was a keen ice skater before but there is not another ice rink close enough to us for her to attend lessons. She is not alone, there are so many children and their families who no longer have access to a place that enables them to enjoy exercise and social wellbeing.

Public Nuisance

The definition of Public Nuisance according to Police, Crime, Sentencing and Courts Act of 2022 [6](#) Section 78

Intentionally or recklessly causing public nuisance

(1) A person commits an offence if—

(a) the person—

(i) does an act, or

(ii) omits to do an act that they are required to do by any enactment or rule of law,

(b) the person's act or omission—

(i) creates a risk of, or causes, serious harm to the public or a section of the public, or

(ii) obstructs the public or a section of the public in the exercise or enjoyment of a right that may be exercised or enjoyed by the public at large, and

(c) the person intends that their act or omission will have a consequence mentioned in paragraph (b) or is reckless as to whether it will have such a consequence.

(2) In subsection [\(1\)\(b\)\(i\)](#) "serious harm" means—

(a) death, personal injury or disease,

(b) loss of, or damage to, property, or

(c) serious distress, serious annoyance, serious inconvenience or serious loss of amenity.

(3) It is a defence for a person charged with an offence under subsection [\(1\)](#) to prove that they had a reasonable excuse for the act or omission mentioned in paragraph (a) of that subsection.

(4) A person guilty of an offence under subsection [\(1\)](#) is liable—

(a) on summary conviction, to imprisonment for a term not exceeding [[F1](#) the general limit in a magistrates' court], to a fine or to both;

(b) on conviction on indictment, to imprisonment for a term not exceeding 10 years, to a fine or to both.

(5) In relation to an offence committed before the coming into force of paragraph 24(2) of Schedule 22 to the Sentencing Act 2020 (increase in magistrates' court power to impose imprisonment) the reference in subsection [\(4\)\(a\)](#) to [[F2](#) the general limit in a magistrates' court] is to be read as a reference to 6 months.

(6) The common law offence of public nuisance is abolished.

(7) Subsections [\(1\)](#) to [\(6\)](#) do not apply in relation to—

(a) any act or omission which occurred before the coming into force of those subsections, or

(b) any act or omission which began before the coming into force of those subsections and continues after their coming into force.

(8) This section does not affect—

(a) the liability of any person for an offence other than the common law offence of public nuisance,

(b) the civil liability of any person for the tort of public nuisance, or

(c) the ability to take any action under any enactment against a person for any act or omission within subsection (1).

(9) In this section “enactment” includes an enactment comprised in subordinate legislation within the meaning of the Interpretation Act 1978.

Legislation applied

(1) A person commits an offence if—

(a) the person—

(i) does an act, or

(ii) omits to do an act that they are required to do by any enactment or rule of law,

(b) the person's act or omission—

(i) creates a risk of, or causes, serious harm to the public or a section of the public, or

[Failure to maintain, upgrade and thereby ensure safe existence and use of Biogas Digesters - Count 1]

(ii) obstructs the public or a section of the public in the exercise or enjoyment of a right that may be exercised or enjoyed by the public at large,

[Clean, safe drinking water - Count 2]

[Clean, safe rivers to swim in and generally enjoy as a public amenity - Count 3]

and the person

is reckless as to whether it will have such a consequence.

[Prioritisation of shareholder interest, profit, bonus payments - Count 4]

(2) In subsection (1)(b)(i) "serious harm" means—

(a) death, personal injury or disease,

[Count 1, Count 2, Count 3]

(b) loss of, or damage to, property, or

[Count 4, Count 6]

(c) serious distress, serious annoyance, serious inconvenience or serious loss of amenity.

[damage to publicly owned amenities, such as but not limited to

rivers through pollution and the inability of the public to safely swim in them

flood risk by virtue of leading to loss of amenities, businesses and opportunities to serve the public, enjoyment and use of buildings, homes and gardens - **[Count 5, Count 7]**