

REDDITCH BOROUGH COUNCIL

**EXECUTIVE
COMMITTEE**

29th September 2010

**WORCESTERSHIRE JOINT COUNTY AND DISTRICT COUNCILS' SCRUTINY
REPORT SUMMER FLOODS 2007 AND OTHER LAND DRAINAGE MATTERS**

Relevant Portfolio Holder	Cllr Brandon Clayton
Relevant Head of Service	Guy Revans - Head of Leisure, Environment and Community Services
Key Decision	

1. SUMMARY OF PROPOSALS

To update Members on progress with regard to the Joint Scrutiny Report and other land drainage strategies, including an update on recent changes in legislation.

2. RECOMMENDATIONS

The Committee is asked to RESOLVE that

- 1) the Council's response to the Joint County and District Councils' Scrutiny Report into the Summer Floods 2007 be approved, including additional comments by officers listed in the report below;**
- 2) the Council's policies on ditches be initially applied to Arterial Ditches only;**
- 3) the Council considers its position in the light of the Flood Risk Regulations 2009 and the Flood and Water Management Act 2010;**
- 4) a report be prepared by Officers, as previously instructed by Members, setting out proposals for a joint North-Worcestershire Land Drainage Partnership in accordance with the above guidance.**

3. BACKGROUND

- 3.1 Appendix 1 contains the joint report on behalf of the 6 District Councils which was presented to the County Council in its capacity as lead on the Local Resilience Forum.

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- 3.2 Appendix 2 sets out additional or amended comments in relation to Appendix 1 which Officers consider it appropriate for Members to deliberate in order to protect the position of Redditch.
- 3.3 Whilst working in connection with above, Officers brought forward formal policies (where none previously existed) on 17th June 2009 for the consideration of the Overview and Scrutiny Committee which covered a range of Land Drainage topics these were subsequently passed forward to the Executive Committee (12th August 2009) and formally ratified by Full Council on 26th October 2009.
- 3.2 Consequently, these policies have now been rolled out internally to other relevant departments and changes in certain working practices have already occurred.

4. KEY ISSUES

- 4.1 The Council has obligations, both as a major riparian landowner and also as a LDA, to both comply with and enforce the Land Drainage Act 1991 as well as the new legislation listed in section 6 below.
- 4.2 We have developed close working relationships with our Land Drainage partners and have also seen the completion of some high-profile enforcement actions.
- 4.3 Attached are Appendices 1 - 6, which sets out progress in a more detailed fashion for Members to consider. Examples of relevant areas are included where appropriate.

5. FINANCIAL IMPLICATIONS

- 5.1 The current operational arrangements are already fully funded, subject to a limited amount of emergency responses. The bulk of the approved policies merely direct how these funds and efforts are best utilised. In addition, when working in conjunction with other Council service units, works can be planned on a joint basis for the proper delivery of these objectives in an efficient and timely fashion.
- 5.2 The Flood and Water Management Act sets out raising fees for consenting of works to Ordinary Watercourses, if so delegated by the LLFA (WCC). Typically, these fees do not reflect the actual direct costs of consenting – currently the EA charges £50.00 per application. However, where these

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works are consented, they would not have a detrimental affect upon flood risks and therefore the actual costs of ensuring compliance are more than offset by savings in potential revenue and other emergency costs associated with any unapproved installations.

- 5.3 Also there is an obligation to designate features in addition to our existing culvert and similar records. Defra has already stated that any new obligations will be fully funded as set out in their fact sheets dated 28th July 2010 (Appendix 4).
- 5.4 WCC has already indicated that Redditch records are far more advanced and complete than other Districts, and consequently, as a part of the Worcestershire Land Drainage Technical Group, relevant officers have been invited to take a County-wide lead on this matter.
- 5.4 With respect to a possible collaboration with Bromsgrove and Wyre Forest District Councils, officers initially recommend that we 'pool' existing funded resources in an endeavour to deliver enhanced services without initial increased costs (see Appendix). Once experience of working within the new legislation occurs, Officers will be in a better position to more accurately forecast any medium or long term financial implications and to advise Members at a later date. Such interim arrangements could potentially extend to no later than 30th June 2012.

6. LEGAL IMPLICATIONS

The Council has a duty to comply with: -

- a) Environment Act 1990;
- b) Land Drainage Act 1991;
- c) Flood Risk Regulations 2009; and
- d) Flood and Water Management Act 2010

7. POLICY IMPLICATIONS

- 7.1 Land Drainage matters have been considered at previous committee meetings and Overview and Scrutiny has taken interest in scrutinising the issue in recent years. This has led to recommendations and decisions being made on the subject at the following meetings: -
- a) Overview and Scrutiny Committee, 18th March 2009;
 - b) Overview and Scrutiny Committee, 17th June 2009;

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- c) Executive Committee, 12th August 2009; and
- d) Council, 26th October 2009,

7.2 The conclusions reached by Members in relation to this report may form the basis of subsequent recommendations to both Executive Committee and Council for formal decisions.

8. COUNCIL OBJECTIVES

This item closely interfaces with all Council Objectives as new environmental powers are to be imposed, in addition to existing and enhanced enforcement responsibilities by the new Flood and Water Management Act 2010.

9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

- 9.1 The recommendations outlined in this report should help the Council to maintain and improve flood risk for the area which includes working with the LLFA, and in particular the preparation of Multi-Agency Flood Plans and Surface Water Management Plans.
- 9.2 These actions would also enhance our capacity to respond to possible varied climatic effects by collaborating with appropriate neighbouring authorities.

10. CUSTOMER IMPLICATIONS

- 10.1 The suggested actions would improve flood risk management and minimise the impact of any future flooding events. Improved Emergency Planning procedures will offer better protection against major events such as 20th July 2007.
- 10.2 There is a National Emergency Exercise planned for early 2011. Councils and other authorities are open to Defra scrutiny to see if there have been any improvements in potential responses post-2007.

11. EQUALITIES AND DIVERSITY IMPLICATIONS

There are no equalities or diversity implications.

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12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

12.1 Initially, as set out in section 9 above, it is suggested that we monitor what improvements can be achieved for policy and enforcement through collaborative working, initially through the use of existing budgets only.

12.2 For operational matters, where collaboration either formally or informally is necessary, it remains the responsibility of a district to fully fund such operations within its own area. Also, certain skills will now need to be required by all organisations and Officers consider that by use of a shared resource, reduced impact will be possible.

13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

13.1 All current Land Drainage policies comply with Climate Change laws and regulations. We regularly review operational procedures to ensure the lowest possible carbon footprint dependant of course on weather effects.

13.2 New legislation confers additional powers on all relevant drainage authorities to incorporate environmental improvements including biodiversity and the maintenance or re-creation of water-based habitat allowing appropriate species of flora and fauna to thrive.

14. HUMAN RESOURCES IMPLICATIONS

14.1 Initially there should be no human resources implications as it is suggested that relevant officers from constituent partners form a collaborative team sharing common practices and policies for delivery on behalf of the LLFA.

14.2 Any additional operational resources will be procured externally by means of current Term Contracts supported by additional funding from other relevant partner authorities.

15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS

There are no governance or performance management implications.

16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998

There are no community safety implications.

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17. HEALTH INEQUALITIES IMPLICATIONS

There are no health or inequalities implications.

18. LESSONS LEARNT

Priorities are regularly reviewed in the light of any improvement schemes, climatic effects or changes in statutory duties and powers. Following the proposed National Emergency Exercise referred to in 10.2 above, there may be additional directions from both Defra and/or the LLFA.

19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

A possible district based river warden scheme is being considered for urban areas in conjunction with lengthmen for parishes in rural areas. This scheme, if pursued, will be developed in conjunction with relevant partners and referred to Members in advance for approval. It is envisaged that such functions would either be on a voluntary basis or where applicable, supported by the local Parishes and/or LLFA.

20. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Chief Executive	Yes
Executive Director (S151 Officer)	Yes
Executive Director – Leisure, Cultural, Environmental and Community Services	Yes
Executive Director – Planning & Regeneration, Regulatory and Housing Services	No
Director of Policy, Performance and Partnerships	No
Head of Service	Yes
Head of Resources	No
Head of Legal, Equalities & Democratic Services	No
Corporate Procurement Team	No

21. WARDS AFFECTED

All Wards

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22. APPENDICES

Members are advised that although the Defra documents in Appendix 6 (Overview and Scrutiny Committee, 25th August 2010, Appendix 4) are titled, not all matters relating to local authority responsibilities are so listed.

- Appendix 1 "Progress on Flood 2007 Scrutiny Recommendations" by S Jordan (formerly Head of Environmental Services, Wychavon District Council) on behalf of all WLDP Members
- Appendix 2 Officers supplementary comments in respect of Appendix 1 on behalf of Redditch Borough Council.
- Appendix 3 (Appendix 1, O & S Committee, 25/08/10).
- Appendix 4 (Appendix 2, O & S Committee, 25/08/10).
- Appendix 5 (Appendix 3, O & S Committee, 25/08/10).
- Appendix 6 (Appendix 4, O & S Committee, 25/08/10).
- Appendix 7 (Appendix 5, O & S Committee, 25/08/10).

23. BACKGROUND PAPERS

None.

24. KEY

- Defra Department for Environment Food and Rural Affairs
- EA Environment Agency
- LDA Local Drainage Authority
- LLFA Lead Local Flood Authority
- WLDP Worcestershire Land Drainage Partnership.

AUTHOR OF REPORT

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