

REPORT TO: Cabinet Member - Environmental
Cabinet Member – Technical Services

DATE: 20th October 2010
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SUBJECT: **LOCAL FLOOD RISK MANAGEMENT**

WARDS AFFECTED: All

REPORT OF: Peter Moore
Environmental & Technical Services Director

CONTACT OFFICER: Graham Lymbery – Project Leader - Coastal defence
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**EXEMPT/
CONFIDENTIAL:** No

PURPOSE/SUMMARY:

The purpose of this report is to advise the Cabinet Members for Environmental and Technical Services of new duties in relation to local flood risk management.

REASON WHY DECISION REQUIRED:

The new duties are being placed on the Council at the present time with all new duties expected to be in place by April 2011.

RECOMMENDATION(S):

The Cabinet Members for Environmental and Technical Services are recommended to:

- (i) Note the Government's intention to place additional duties on the Council as a Lead Local Flood Authority;
- (ii) Note the Government's intention to fund these additional burdens via Area Based Grant;
- (iii) Note the need for resources to be included in future budgets to deliver these new burdens and for the provision of a Client function.

KEY DECISION: No

FORWARD PLAN: No

IMPLEMENTATION DATE: Following the expiry of the "call-in" period for the Minutes of the Cabinet Meeting

ALTERNATIVE OPTIONS:

The Council could choose not to undertake the additional duties. This would not require additional funding but would mean that the Council would fail to discharge its duties under the Flood Risk Regulations 2009 and the Flood and Water Management Act 2010. Failure to comply could result in Infraction Proceedings under the European Commission Floods Directive.

IMPLICATIONS:**Budget/Policy Framework:****Financial:**

	2009/10 £	2010/11 £	2011/12 £	2012/13 £
<u>CAPITAL EXPENDITURE</u>				
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<u>REVENUE IMPLICATIONS</u>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

Legal:**Risk Assessment:**

The new duties placed upon the Council set out a clear approach to the management of flood risk and the development of plans to address this risk.

Asset Management:

The new duties placed upon the Council set out a clear approach to the management of flood risk which includes the assessment and maintenance of flood defence assets.

CONSULTATION UNDERTAKEN/VIEWS

CORPORATE OBJECTIVE MONITORING:

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		✓	
2	Creating Safe Communities	✓		
3	Jobs and Prosperity		✓	
4	Improving Health and Well-Being	✓		
5	Environmental Sustainability	✓		
6	Creating Inclusive Communities		✓	
7	Improving the Quality of Council Services and Strengthening local Democracy		✓	
8	Children and Young People		✓	

LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT

Background

1. The Flood Risk Regulations 2009 came into force on the 10th December 2009 and have placed new duties on the Council as a Lead Local Flood Authority. These regulations transpose into domestic law the provisions of the European Commission Floods Directive (Directive 2007/60/EC) on the assessment and management of flood risks across European Union Member States. They aim to reduce the likelihood and consequence of flooding through the identification of areas at risk of flooding (from all sources) and the development of Flood Risk Management Plans.
2. The Flood and Water Management Act 2010 was passed by Government this spring and it will have a phased commencement. It will place a number of new duties on Local Authorities along with a general duty to provide a leadership role in relation to Flooding from all sources (details attached). It should be noted in the details that other relevant authorities such as Water Companies will have a duty to cooperate with the Council as we discharge this leadership role. DEFRA (Department for Environment Food and Rural Affairs) wrote to all Councils on the 16th of September 2010 to advise them that various elements were commencing on the 1st of September and 1st of October and that the Government was working towards commencing most other parts of the Act by April 2011.
3. The Council's drainage function was transferred over to Capita Symonds as part of the externalisation of Engineering Services on the 1st October 2008; at this time it was not thought necessary to retain any in-house expertise in this function to act as the Client. It has since been recognised that a Client function is required and the Coastal Defence team has been providing this function in the interim (since September 2009) until resources can be put in place to formalise the arrangement.
4. Local Authorities currently receive funding for flood and coastal erosion risk management through Formula Grant as well as through other sources such as Capital Grants from the Environment Agency. The Government is currently consulting on the basis for the Formula Grant with a view to changing its basis for flood and coastal erosion from being based on past expenditure to a Relative Needs Formula.
5. The Government is also consulting on the mechanism for the distribution of funding for the new burdens arising from the Flood and Water Management Act 2010 with their proposed method being the use of Area Based Grant, as it would include a clear indication of the amount that each Lead Local Flood Authority would get. Early results from research undertaken on behalf of the Government indicate that, for Sefton, this funding would be in the order of £100,000 to £165,000 per year (equivalent to 1.5 to 2.3 full time posts).
6. Flood Risk Management is a significant risk for Sefton given its long coast and extensive areas of low lying land, with approximately 90% of its area relying on pumped drainage. Whilst mechanisms are well established for the management of flood risk from the sea and rivers, the Act aims to manage flood risk from all

sources including sewers, surface and ground water. Members will be aware of recent incidents such as the flooding in Bootle this summer and the breach in the River Alt embankment at Lunt Meadows; compliance with the Act will improve our understanding, management and response to such risks.

Financial Implications

7. It has not been possible at this time to determine the financial implications arising from the new burdens (other than the broad indication by Government) under the Flood and Water Management Act 2010 in relation to staff resources; the Government has, however, made it clear that they will be providing revenue funding through Area based Grant, or similar, as the new burdens are introduced.
8. The Government has provided some financial resource to support delivery of specific burdens. This includes a £100,000 grant for the development of a Surface Water Management Plan (as referred to in the Surface Water Management Plan report of 20 October 2010) and an allocation of £10,000 towards the costs expected to be incurred in this financial year for development of Preliminary Flood Risk Assessments.
9. The Government has made it clear that Local Authorities will need to *'think now about what is necessary to make sure the skills and capacity are in place for their strategy preparation processes to take advantage of funding and guidance when it is made available from April 2011.'*

Discussion

10. Whilst it is clear that at this time we are not in a position to determine what resource we will need, or what funding we will receive, we can be certain that the Council will have new burdens to deliver and that some funding will be provided by the Government to deliver these burdens. We know that these new duties under the Flood and Water Management Act will be substantially in place by April 2011 and we can assume that the timing of the funding from Government will match this.
11. We also know that there is currently no Council resource for the management of the Drainage function currently being delivered by Capita Symonds and that there is a need for a Client function in relation to drainage and that this will require resources to be put in place for the Client function.
12. We are currently reviewing all Council Services in the light of proposed budget cuts and any consideration of the delivery of new duties needs to be considered in the light of these budget cuts and potential restructuring.
13. Given the uncertainty relating to resource need, funding allocation from Government and future structures for Council Services, it is not appropriate at this time to request formal inclusion in the Council's budget process, but it is appropriate to ask the Cabinet Member to:

- Note the Government's intention to place additional duties on the Council as a Lead Local Flood Authority;
- Note the Government's intention to fund these additional burdens via Area based Grant;
- Note the need for resources to be included in future budgets to deliver these new burdens and for the provision of a Client function.