

Report to Overview and Scrutiny Committee

Date of meeting: 8 October 2009

Subject: Interim report of Pitt Review Task and Finish Panel

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Committee Secretary: Adrian Hendry



Recommendations/Decisions Required:

- (1) That the out of hours land drainage standby service be continued on an ongoing basis at an estimated cost of £10,100 per annum and that this be recommended to the Cabinet accordingly;**
- (2) That Cabinet be requested to consider the allocation of financial resources in the 2010/11 budget to enable the assessment of compliance with the requirements of the Pitt Review and the anticipated enactment of the Flood and Water Management Bill**

Report:

Out of hours flooding response

1. The out of hours land drainage standby service provides a rapid local response to flooding incidents by ensuring the availability of trained drainage engineers outside of normal working hours, including weekends and public holidays. The Council has provided this service for a number of years, however during the period from April 2006 until October 2008 the costs were charged to the Environment Agency under a contractual arrangement. This funding arrangement ceased when the Council failed to win a management contract with the Environment Agency and since October 2008 the service has been funded through a DDF revenue allocation which ceases in March 2010. Given the on-going risks of flooding within the district, and the expectation of affected residents that the Council will be able to assist, it is recommended that the out of hours service now be provided on an ongoing basis and that Cabinet be requested, as part of the 2010/11 budget considerations to make a CSB allocation.

The Pitt Review

2. The Pitt Review was published in 2008 by Sir Michael Pitt who was tasked by the Government to look into events leading up to, during and following the wide spread flooding in the Summer of 2007.

3. The report analyses in detail the role of various public and private bodies responsible for dealing with flooding and makes wide ranging recommendations for improvements in the way flooding is managed in England and Wales. Government responded to the Pitt Review by publishing new draft legislation, the Flood and Water Management Bill. The Bill seeks to address the issues raised in the Pitt Review as well as other European Directives and Legislation.

5. This Committee agreed to the formation of a Task and Finish Panel to review the impact of Pitt Review on the Council. The Panel has met on two occasions and, as well as considering the Pitt Review, has formulated the Council's response to the consultation on the proposed legislation (copy of the response is attached).

6. The proposed legislation will make wide ranging changes in the way flooding is managed. Local authorities will be given the lead role in management of flood risk. However, because the lead authority in Essex will be the County Council the full impact for this Council will not be clear until the Bill is presented before the Parliament (anticipated in the first session of Parliament after the next General Election). Given this uncertainty it is suggested that Cabinet be requested to make financial provision as part of the 2010/11 budget process to enable a detailed review of the Bill once passed into law. This would enable the Council to seek external support in respect of potential additional surveys and feasibility studies of flood assets in the District.

Resource implications:

7. The out of hours land drainage standby service could be provided on an ongoing basis by reallocation of £10,100 budgeted for Quality Assurance (ISO 9001) for the Land Drainage team. Following the last organisational restructure the land drainage section was unable to retain the ISO 9001 accreditation and is awaiting recertification due to it being merged into the new larger engineering, water and drainage team. Although it is possible to seek ISO 9001 accreditation for the new larger team, the budget of £10,100 would be insufficient to achieve this and it is therefore considered more effective to apply that budget to the maintenance of the standby service.

8. Although the financial impact for the Council will not be clear until the Bill is passed by Parliament, it is suggested that Cabinet be requested to allocate the projected DDF underspend of £35,000 in flood alleviation schemes budget for 2010/11 towards investigating the requirements of compliance with the Pitt Review and the new Bill.

Reason for decision:

Discontinuation of a front line service of responding to residents requests for assistance and advice during flooding emergencies will cause reputational issues for the Council.

It will be necessary to carry out an assessment of the requirements for the Council to achieve compliance with the new legislation. The provision of DDF allocation in 2010/11 will ensure that the necessary surveys and feasibility work is carried out.

Options considered and rejected:

Discontinuation of the out of hours land drainage standby service is not an option especially when the service can be funded from within available resources.

To not respond to the Pitt Review and/or any new legislation regarding the management of flooding is not an option, any new legislative requirements will have to be complied with.

Consultation undertaken:

Informal contacts have been established with the Environment Agency and Essex County Council. Further detailed meeting will be held in the coming months.

Personnel:

The out of hours land drainage standby will be supported from within the existing staffing resources.

Land:

The operation and management of flood alleviation schemes built on Council land.

Community Plan/BVPP reference:

Relevant statutory powers:

Use of well being powers to deal with flooding issues on land in Council's ownership. Land Drainage Act 1991

Background papers:

Papers to Cabinet on DDF allocation for continuation of the out of hours land drainage standby Service.

Environmental/Human Rights Act/Crime and Disorder Act Implications:

Rapid response to flooding incidents on Council land and flood alleviation scheme owned by it will assist with reducing the environmental damage of flooding and ensure the Council's assets are kept in good repair.

Key Decision reference: (if required) This is a key decision as the risk of flowing impacts more than one ward of the District.