

Report to the Cabinet

Report reference: C-081-2009/10
Date of meeting: 1 February 2010



Portfolio: Environment
Subject: Out of Hours Land Drainage Standby Service
Responsible Officer: Kim Durrani (01992 564055).
Democratic Services Officer: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

- (1) To agree that as recommended by the Overview and Scrutiny Committee the Council continues its out of hours land drainage standby service; and**
- (2) Subject to recommendation (1) to approve the reallocation of £10,100 from the existing Quality Assurance budget within the Environment and Street Scene Directorate to the out of hours standby service from April 2010 onwards.**

Executive Summary:

The Council has provided an out of hours standby service since the large scale flooding in 2000. This service ensures the availability of trained land drainage personnel outside of normal working hours. These officers receive additional payments under the Council's out of hours working policy, the costs of which were met by the Environment Agency as part of the Council's arrangement with them for the delivery of land drainage and flood control services. When that arrangement ceased so did the associated funding and since then the Council has met the revenue costs through the district development fund. This funding therefore ceases in March 2010

The Overview and Scrutiny Committee has requested Cabinet to consider ensuring the future of the standby service by the provision of a continuing service allocation.

There is currently a CSB allocation of £10,100 within the Directorate for the provision of Quality Assurance for the land drainage section.. However it is recognised that due to overall pressures on the public sector financing it is appropriate to provide a more direct service benefit through the reassignment £10,100 to enable the continuing provision of the out of hours standby service.

Reasons for Proposed Decision:

To ensure continued provision of a front line service which delivers real benefits to residents at time of flooding. Failure to respond to emergencies at Council owned flood alleviation schemes and assets outside of normal working hours could increase the risk of flooding and make the Council liable.

Discontinuation of the service could potentially have a detrimental impact on the Council's reputation.

Other Options for Action:

It is possible to discontinue the service at the end of the current financial year and not all Council's provide this service. This will result in a lower quality of service for the residents.

The Council's Emergency Planning Team will become involved with large scale flooding incidents when the normal land drainage resources can not cope with the incident. They can only deal with out of hours flooding emergencies on a limited basis, but they lack the land drainage knowledge and expertise to deal with the electronic alarms and do not have access to specialist contractors or equipment.

This is a key decision as the properties at risk of flooding are located throughout the District.

Report:

1. Two major rivers systems flow through the District; the River Lee and the River Roding with their associated tributaries. There are over 1,000km of Ordinary Watercourses, for which the Council is a statutory enforcement authority.
2. The Council has, over the years, made significant financial commitments towards construction of flood alleviation schemes, either on its own or in partnership with others, notably the Environment Agency. These include Loughton Brook Flood Storage Reservoir in Loughton, Thornwood Flood Alleviation Scheme in Thornwood (both constructed in partnership with the Environment Agency), Church Land and Thornhill Flood Alleviation Schemes in North Weald constructed by the Council on its own.
3. In addition, smaller flood alleviation works have also been carried out and these are located throughout the District. The Council has recently completed a project of upgrade and improvement works to these smaller flood alleviation schemes and these works will reduce the risk of flooding to residents.
4. Three of the Council's four flood alleviation schemes have remote sensing electronic equipment which requires specialist knowledge to respond (e.g. if a flood water level alarm is raised by the system a trained officer has to access the system and plan an appropriate response).
5. The out of hours standby service was established following the wide spread flooding of October 2000. This service guarantees the availability of a qualified land drainage engineer to deal with alarms raised by the telemetry systems on the Council's flood alleviation schemes, requests by residents for assistance with flooding emergencies, requests for assistance from professional partners and the mobilisation of land drainage contractors to deal with emergency clearance works or deployment of sand bags.
6. The Environment Agency paid for this service between April 2006 and October 2008 although it strict terms they need not have done so. However, since the ending of the Council's formal arrangement with the Agency, they have not met the costs and indeed have hardened their views in respect of the Council's responsibilities as a riparian owner and they expect the Council to manage flood risk and the response to local flooding emergencies arising from it's own flood defence assets
7. The residents of the District have come to expect this level of service from the Council. The Council's emergency plan in relation flooding incidents relies in significant part on the expertise of the Land Drainage Team who, are best placed to advise on whether a flooding incident is likely to escalate. In the event that the Council is unable to provide

assistance in dealing with flooding emergencies it may find itself liable if it is proven that flooding occurred from a Council owned, built or managed asset.

8. The Council has a duty under the Civic Contingencies Act 2004 to assess risks within the District and include those risks within a Local Risk Register which it then has to publish. The Local Risk Register is compiled by the Emergency Planning Officer and it is reviewed and updated annually by the Emergency Planning and Response Team.

9. The Local Risk Register for the District identifies flooding as the most significant risk likely to affect the area. In accordance with its statutory duty the Council having identified that a risk exists has a duty to mitigate that risk from occurring. The existence of the out of hours Land Drainage Service is an essential part of the contingency planning arrangements associated with managing the risk.

10. The Pitt Review Task and Finish Panel looked at the implications of the Pitt Review and the anticipated new 'Flood and Water Management Bill'. The Panel has reported its findings to the Overview and Scrutiny Committee and among other things reported that the out of hours land drainage standby service provided a valuable front line service which should be maintained on an on-going basis.

Resource Implications:

There is DDF provision for the out of hours land drainage standby service for 2009/10 of £8,400. This is based on the estimated salary and overtime payments to the officers taking part in the service. This amount can vary depending on the number of flood warnings or requests for assistance by residents.

In order to provide CSB provision for the service, as recommended by the Overview & Scrutiny Committee, and to avoid CSB growth, it is proposed to reassign resources from those currently allocated for the provision of a quality management system for the land drainage team. The merger of the land drainage team with other parts of the former Environmental Services as part of the corporate reorganisation has resulted in the £10,100 previously allocated for this purpose being insufficient. Whilst the eventual gaining of quality accreditation remains a goal, at this time it is considered that the provision of the out of hours service is more important and of greater importance to residents. It is suggested that the entire £10,100 be allocated since this will provide the flexibility to ensure staffing availability as well as update any safety equipment required to maintain the service.

Legal and Governance Implications:

The Council remains riparian landowner for three of the four flood alleviation schemes as they are built on land owned by the Council. The fourth site is within the Epping Forest and for which the Council has entered into a legally binding agreement with the Corporation of London ensuring its ongoing maintenance and bio diversity.

As a land owner and the authority which constructed these assets the Council has a duty to ensure that these do not cause flooding and the ability to deal with alarms raised during out of hours is a key element in managing these assets.

Although flooding is a natural occurrence if the Council is seen to fail in managing its assets or responding to emergencies it may find itself liable to a third party.

Safer, Cleaner and Greener Implications:

The Council is committed, through its Safer, Cleaner, Greener initiative to protect the public,

as far as is practical, from the effects of flooding. With no out of hours service this may put this commitment in jeopardy.

Consultation Undertaken:

Emergency Planning team on ability to absorb land drainage standby. The Team would be unable to react with the appropriate technical expertise without access to the land drainage team

Background Papers:

Pitt Review Task and Finish Panel and Overview and Scrutiny Committee

Impact Assessments:

Risk Management

The Civil Contingencies Act 2004 requires Local Authorities to undertake assessments of the risks that appear within their area and to publish these in a Community Risk Register. The two most significant risks likely to affect the District as identified in the local risk register are flooding, fluvial (river) and pluvial (surface water) and pandemic flu. Flooding carries a medium to high risk. The provision of an out of hours response to incidents of flooding is seen as crucial in managing these risks. An example of this need was the flooding incident in early 2009 when, without the intervention of the out of hours team, Loughton Brook may well have overtopped causing widespread flooding in the Loughton area.

Equality and Diversity:

Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications? No

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken? N/A

What equality implications were identified through the Equality Impact Assessment process?
N/A

How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?
N/A