

Report to Overview and Scrutiny Committee

Date of meeting: 28th January 2010

**Subject: Concluding report of the Pitt Review Task and
Finish Panel**

Officer contact for further information:

**Kim Durrani - Assistant Director (ex 4055)
Susan Stranders - Drainage Manager (ex 4197)**

Committee Secretary: Adrian Hendry



Recommendations/Decisions Required:

- (1) That the work of the Pitt Review Task & Finish Panel to date be noted;**
- (2) That due to the continuing uncertainty surrounding the Flood and Water Management Bill, which prevents the panel from drawing meaningful conclusions and making recommendations at this time, the Panel be wound up; and**
- (3) That consideration be given to re-establishing the Pitt Review Task & Finish Panel once the Flood and Water Management Bill has been introduced and clear guidance from Government and Essex County Council is forthcoming.**

Report:

1. The Pitt Review was published in 2008 by Sir Michael Pitt who was tasked by the Government to look into the events leading up to, during and following the wide spread flooding in the summer of 2007.
2. 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, in 2009, 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 relevant European Directives and Legislation.
3. This Committee agreed to the formation of a Task and Finish Panel to review the impact of the 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.
4. The Panel agreed that, given the on going risks of flooding within the district, the out of hours land drainage standby service should be provided on an on-going basis. This Committee endorsed that recommendation at its meeting on 8 October 2009 and Cabinet will consider the matter at its meeting on 1 February 2010.
5. The Panel also recommended that some budgetary provision should be made in 2010/11 to allow for the necessary data gathering exercise to investigate the requirements of compliance with the Pitt Review and the new Bill. This recommendation also formed part of the report to this Committee on 8 October 2009. A further report is to be prepared once sufficient information becomes available.
6. The Bill is due to enter the Committee stage in the House of Commons in January 2010. However, at the time of writing this report it is thought unlikely that the Bill will pass into

law during the current Parliamentary session.

7. The proposed legislation makes wide ranging changes in the way flooding is managed. Local Authorities will be given the lead role in management of flood risk which in Essex will be the County Council. As the full impact for this Council will not be clear until the Bill is finalised and County Council gives a clear steer to the District Authorities on how it intends to implement the duties placed upon it by the legislation it was decided that little would be achieved by continuing with the current Pitt Review Task & Finish Panel and that a new panel should be re-established in due course.

Reason for decision:

It will be necessary to carry out an assessment of the requirements for the Council to achieve compliance with the new legislation.

Options considered and rejected:

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.

To continue with the present Pitt Review Panel but not meet again until further information is available.

Consultation undertaken:

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

Resource implications:

Budget provision: None for the recommendations/decisions required in this report.

Personnel: None for the recommendations/decisions required in this report.

Land: No change.

Community Plan/BVPP reference: Policy Themes 1 & 3

Relevant statutory powers: Land Drainage Act 1991

Background papers:

Cabinet Reports: 22 April and 12 October 2009

O & S Reports: 2 June, 9 July, 3 September and 8 October 2009

Minutes from Pitt Review Task & Panel: 20 July and 22 September 2009

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 flooding impacts more than one ward of the District.