

Report to the Cabinet

Report reference: C-010-2011/12

Date of meeting: 18 July 2011



**Epping Forest
District Council**

Portfolio: Environment

Subject: Transfer of Epping Forest District Council's flood warning systems to the Environment Agency.

Responsible Officer: Qasim (Kim) Durrani (01992 564055)

Democratic Services Officer: Gary Woodhall (01992 564470)

Recommendations/Decisions Required:

(1) To agree to the transfer of the Council's flood warning telemetry systems, associated maintenance and monitoring activities to the Environment Agency (EA), including appropriate protocols for the EA to inform the Council when these systems raise a flood alarm; and

(2) To note that the Council will retain the emergency flooding out-of-hours standby service enabling it to respond to local flooding incidents within the District.

Executive Summary:

The Environment Agency (EA) has proposed that it should take over the on going operation, maintenance and monitoring of the Council's three flood warning telemetry systems and associated closed circuit television (CCTV) system. The EA is unable to guarantee future funding levels and if insufficient funding proved a problem in future years, the responsibility for the systems would revert to the Council. The EA is not seeking any financial contributions for the updating of and transfer of the systems.

Reasons for Proposed Decision:

The EA is the national authority responsible for managing flood risk in England and Wales. As such, the EA has a network of flood warning telemetry systems in place around the country and a team of specialists who frequently monitor the systems. In addition, the EA has staff and contractors who are able to respond in times of flooding. The EA is in the process of renewing all of the telemetry systems and considers it sensible to include the systems currently operated and managed by the Council. The EA has proposed to incorporate the four Council monitored sites into their national network and to take over the upgrading, operation, maintenance and monitoring of the flood warning systems. The EA will upgrade the systems to a modern standard, which should afford an improvement to flood risk management at the sites.

The Council's current systems are nearing the end of their design life and upgrading is required. The transfer of the systems to the EA at this time will remove the need to spend money on upgrading the existing systems.

Other Options for Action:

The transfer could be refused and officers of the Council would continue to monitor the telemetry systems within the current budget and staff resources. However, the systems are in need of a significant upgrade in the very near future with estimates in the range of £10,000-£20,000 for upgrading of all the sites.

As one of the main duties of the Councils' emergency flooding out-of-hours standby service is to monitor and respond to the telemetry systems consideration was given to cancelling the service. This would realise a cost saving to the Council of up to £9,500 per annum. Cancelling the service will mean that the Council cannot guarantee to provide out-of-hours flooding assistance to members of the public during any flood events, including the incidents which the EA may be unable to respond to. This option was discounted due to the Council's duties under the Civil Contingencies Act 2004. Flooding is listed as a predominant risk in the Council's Local Risk Register; the withdrawal of such a critical service would be inconsistent with the Council's statutory duties to take reasonable action to eliminate or mitigate the risk having identified it.

Report:

1. EFDC has three flood storage areas (FSAs) with flood warning telemetry systems installed and one FSA without. In addition, we have one site with a CCTV monitoring system. The systems were installed at various times since 1996 and either fully funded by this Council or jointly funded with the EA. To date the Council has been responsible for the monitoring and maintenance of the systems.

2. Since receiving the transfer proposal from the EA, informal negotiations have taken place in order to clarify the arrangement. The EA has put forward final proposals in a letter dated 13 June 2011. The key points are as follows:

(a) The mechanism for transfer would consist of a formal exchange of letters. The EA has stated that for a transfer situation they do not usually enter into a formal contract or Memorandum of Understanding;

(b) The EA has stated that it is anticipated that the transfer would be permanent but that future funding cannot be guaranteed. In this case the responsibility for the systems would revert to the Council;

(c) There would be no cost to the Council for transferring the telemetry systems. The EA would meet all costs for upgrading the systems after the transfer;

(d) The EA will not enable Council officers to have access to the transferred system seeing this as a duplication of effort; and

(e) Once the systems are transferred the EA has stated that they will be responsible for responding to flooding incidents that are alerted to them by the telemetry systems. The telemetry systems will automatically send an alarm to the EA and the flood incident officer will then decide on the most appropriate action. The EA has stated that it cannot guarantee to respond to all flooding incidents in our district, despite having sole access to the telemetry systems, particularly if there is simultaneous region-wide flooding. If they cannot respond due to workload commitments, they will notify EFDC so we can organise our own appropriate response, through the emergency flooding out-of-hours standby service.

3. Although there are a number of concerns with regard to the transfer of the flood warning assets, overall it is considered sensible to proceed. The EA will not enter into a

formal contract for the transfer of telemetry systems, a protocol will be agreed with the EA to inform the Council when these alarms are raised. An appropriate response will then be carried out by Council's own out of hours emergency flooding standby service. If it was found that problems occurred in the future and/or response times to the larger emergency flooding incidents were not acceptable it should be possible to reverse the transfer. However, although under these circumstances the Council would gain an up to date system for no capital outlay, it would incur the revenue costs associated with the ongoing maintenance and monitoring.

Resource Implications:

If the transfer of the telemetry is approved the following savings will accrue:

- (i) the cost of the current annual maintenance contract - approximately £1800;
- (ii) electricity and phone line costs - approximately £850 per year;
- (iii) on going repair and maintenance - variable; and
- (iv) future upgrade of between £10,000 and £20,000.

Legal and Governance Implications:

Where the Council is the riparian owner of FSAs and other flood defence assets, it will still be so following the transfer and therefore remains responsible for any flooding originating from our asset. Therefore, if during a large storm a FSA fills up, the telemetry system will alert the EA of a potential overtopping of the FSA embankment. If the EA cannot respond and water floods over the embankment, it remains the responsibility of EFDC to manage the flooding. If there is no negligence on the part of EFDC and the FSA has been maintained appropriately, then the flooding event will most likely be considered an act of god and the Council would not have any liability. The EA cannot indemnify a riparian owner but they will assist to the best of their ability and resources. The Council will remain responsible for other maintenance at the sites, such as grass cutting, other landscaping matters, structural repairs and aspects of public health and safety

Safer, Cleaner and Greener Implications:

If the Council fulfils its statutory duties as set out above and in partnership with the EA it will fulfil any obligations under the Council's Safer, Cleaner and Greener strategy.

Consultation Undertaken:

Correspondence between the Council and EA available as background papers, EFDC Emergency Planning.

Background Papers:

Correspondence between the Council and EA.
Cabinet reports C-086-2008/2009, C-081-2009/2010.

Impact Assessments:

Risk Management

The impact of not being able to maintain/upgrade the Council's flood defence assets is itemised in the risk matrix in the Environment and Street Scene Service Plan 2011/12. It is

currently considered that the above proposals should not increase flood risk in the district

Equality and Diversity:

A flooding event would affect all members of the community. However, the impact could be higher on elderly and those residents less able to assist themselves.

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? No

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.