



**Rochford District
Council**

REPORT TITLE:	Review of the Flood Advisory Group
REPORT OF:	Cllr C Stanley – Lead Member for Environmental Services

REPORT SUMMARY

In February 2014, Rochford District Council (RDC) established a Flood Advisory Group as a forum for discussing surface water flooding issues. This advisory group has met regularly in the intervening period; however it has become clear that the current terms of reference for the group do not enable it to have the maximum impact for the benefit of Rochford residents – particularly where the flooded land is not in the ownership of RDC.

Members of the Flood Advisory Group, alongside the Lead Member for Environmental Services, the Monitoring Officer and the Emergency Planning and Business Continuity Officer have undertaken a review of the terms of reference for this forum and have proposed amendments which will enable:

- The better deployment of the limited officer resource RDC has to deal with flooding issues;
- A greater emphasis on a multi-agency response and ensuring that the issue is swiftly referred to the agency that has the power and ability to remedy it;
- Improved engagement with ward members about issues affecting their patch.

Most importantly, the revised terms of reference (included at appendix A) will deliver better outcomes for residents affected by flooding issues.

In order to ensure that the revised Flood Working Group is properly constituted, the Council is asked to dissolve the existing Flood Advisory Group, approve the new terms of reference at appendix A and appoint three members to the working group.

RECOMMENDATIONS

R1 – That the existing Flood Advisory Group be dissolved.

R2 – That a new Flood Working Group be constituted with the terms of reference at appendix A.

R3 – That Cllr Mrs C Mason, Cllr C Stanley and Cllr S Wootton be appointed to the Flood Working Group.

SUPPORT ING INFORMATION**1.0 REASONS FOR RECOMMENDATIONS**

- 1.1 To enable the Flood Working Group to have more impact, use resources more effectively and to achieve better outcomes for residents affected by flood issues.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 Keep existing Flood Advisory Group (do nothing) – the members of the Flood Advisory Group have identified limitations with the current arrangements and have highlighted a number of ways the system can be improved. Therefore this option is not recommended.
- 2.2 Disband the Flood Advisory Group – Surface water flooding continues to be an issue of concern for the residents of Rochford District, there are two rivers within the district and a significant length of coastline. Therefore it is essential that RDC retains a forum for discussing and addressing flooding issues.
- 2.3 Replace the Flood Advisory Group with another form of governance, such as a committee or sub-committee – as the Council is currently in the transition period from an executive model of governance to a committee system, the most suitable format for this forum at the current time is a council working group. This will enable continuity once the committee system is implemented. The Working Group could sit under the most appropriate committee in due course.

3.0 BACKGROUND INFORMATION

- 3.1 The Flood Advisory Group was created in 2014 as a portfolio holder advisory group. The portfolio holder was given authority to determine the membership of the group and the frequency of its meetings. According to previous minutes, the Advisory Group has had a membership of between 9 and 14 members and has consistently met twice per year. The Working Group has also operated under the title “Forum for Surface Water Flooding Issues”.
- 3.2 In recent months, members of the Flood Advisory Group have identified a number of limitations to the way that the group currently operates and have highlighted how the group could be more effective if it referred flood cases to the appropriate responsible authority more quickly and focussed RDC resources solely on cases where RDC is the landowner or has responsibility. On that basis a revised terms of reference has been developed and is included for the Council’s consideration at appendix A.
- 3.3 The updated terms of reference aim to produce the following objectives:
- A more outcome focused working model which will achieve prompt solutions and ensure that RDC is not expending excessive time on matters outside its sphere of responsibility;
 - Better use of our limited staff resources;
 - Engagement of all ward Councillors on issues in their ward;
 - Prioritisation of issues for resolution;
 - More effective collaboration with other responsible authorities and agencies.

- 3.4 In addition to the amended the terms of reference and new procedures for dealing with flood cases the following changes to the governance arrangements are proposed:

Structure / Reporting

That the Flood Advisory Group be changed to a council working group, appointed by the Full Council. This will enable the working group to transition seamlessly into the committee style of governance. Initially the working group will be accountable to the Full Council but it is envisaged that it could report into the most relevant committee once the committee structure has been agreed. Consequently the name will be amended to the Flood Working Group.

In accordance with the Council's constitution, working group meetings are not open to the public and meeting papers are not published as a matter of routine (however information from the working group may be published as it sees fit).

Membership

The proposed membership has been reduced to 3. The Lead Member for Environmental Services (and thereafter the Chairman of the relevant committee) will automatically be a member of the working group. Ward members will have an open invitation to attend the working group for matters relating to their ward. As a working group, this falls outside of the political balance rules and therefore does not have to be politically proportional.

Frequency of meetings

The working group will now meet bi-monthly (every two months) rather than twice per year. This will facilitate a more rapid consideration of cases and ensure that progress is being monitored more regularly. Although there will be more meetings, the duration is likely to be shorter as there will be fewer cases to update on at each meeting and a smaller reporting period.

4.0 FINANCIAL IMPLICATIONS

- 4.1 The financial implications in respect of the working group predominantly relate to the cost of officer time. There are negligible overhead costs in respect of the administration of the working group meetings.

The staffing costs are estimated as follows:

Current – Flood Advisory Group		Proposed – Flood Working Group		Difference
Emergency Planning and Business Continuity Officer – 1 day per week (on all drainage related business)_	£ 5,981	Emergency Planning and Business Continuity Officer – 1 day per week (on all drainage related business)_	£ 5,981	£ 0

Democratic Services Officer (attendance at 2 x 2 hour meetings per annum plus preparation of agenda and minutes)	£ 262	Democratic Services Officer (attendance at 6 x 1 hour meetings per annum plus preparation of agenda and minutes)	£ 458	£ 196
TOTAL	£ 6,243	TOTAL	£ 6,439	£ 196

- 4.2 Although the new model for the Flood Working Group does represent a small increase in officer costs due to the additional meetings (6 instead of 2), the revised terms of reference will mean that the Emergency Planning and Business Continuity Officer's time is used more efficiently and effectively which will have an overall beneficial impact for the Council. These costs will be absorbed by realigning existing resources, therefore no additional supplementary budget will be required.

5.0 LEGAL IMPLICATIONS

- 5.1 The Council has the ability to establish a working group to consider flooding matters under the general power of competence provided by the Localism Act 2011.
- 5.2 The Land Drainage Act 1991, as amended by the Land Drainage Act 1994, places duties on internal drainage boards and local authorities, however in practice these liabilities generally fall to the Lead Local Flood Authority (LLFA) which is Essex County Council. The District Council also holds planning enforcement powers which may be relevant to flooding issues, however the Flood Working Group would have no remit in the discharge of these powers.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

- 6.1 The Emergency Planning and Business Continuity Officer currently spends approximately one day per week on drainage matters in general. This includes providing support to the Flood Advisory Group. The proposed Flood Working Group will therefore not generate any additional staffing resource requirement. It is envisaged that the revised terms of reference will actually enable the more productive use of this officer's time by ensuring that they focus on the areas where the District Council has responsibility or can provide a solution, and acting as a referral point where the responsibility or powers lie with another agency.
- 6.2 There are no ICT or asset resource implications.

7.0 RELEVANT RISKS

- 7.1 If the Council does not establish a forum for considering flooding issues, there is a risk that local matters will not receive sufficient attention and will remain unresolved.

8.0 ENGAGEMENT/CONSULTATION

8.1 This report does not require any formal engagement or consultation.

9.0 EQUALITY IMPLICATIONS

9.1 This report does not require an equality impact assessment.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 There are no environment and climate impacts associated with the governance decisions around creating a Flood Working Group. However, the work of the Flood Working Group is likely to generate positive environment implications – for example by promoting environmentally friendly solutions to prevent and minimise surface water flooding.

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APPENDICES

Appendix A – Flood Working Group Terms of Reference

BACKGROUND PAPERS

Flood Advisory Group Agendas and Minutes - [Public Meetings | Rochford Council](#)

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
None	

Flood Working Group

Terms of Reference

Members: 3

Quorum: 3

Frequency of Meetings: Bi-monthly (6 meetings per year)

Responsibilities

1. To consider opportunities to develop and implement the principles set out in the South Essex Surface Water Management Plan in Rochford.
2. To work closely with Essex County Council, the lead local flood authority and highway authority, and other key organisations, including the Environment Agency, Anglian Water and the Fire Authority, to find cost effective, innovative solutions to surface water flooding problems in the district.
3. To consider engineering assessments of flood hot spots and prepare bids for funding from appropriate sources including, for example, flood and coastal erosion risk management grants.
4. To lobby relevant organisations to deliver improvements to infrastructure designed to reduce the risk of flooding.
5. To co-ordinate work with the local communities on small scale projects, involving land owners, volunteers and partner agencies.
6. To authorise expenditure, following consultation and in accordance with the Council's financial standing orders, and to use all appropriate means to recover costs of works from landowners

Procedures

The Working Group will require responses to the following filtering questions before considering a flood case:

- Ascertain source of issue and responsible land area/owner.
- Who / what is affected by the issue – risk to residents/properties?
- What infrastructure is affected by the issue?
- What impact does this issue have on the reputation of the Council?
- How long has this issue been under consideration?

If the case is accepted by the Flood Working Group, the reporting process will be as follows:

Model for existing cases:

- If an issue has been identified where the responsible authority is not Rochford District Council (RDC), a letter will be sent with all available information to that authority asking them to deal with the case and report back.

A copy of the letter will be sent to complainant if appropriate/known.

Communication will be followed up, in writing, on a six monthly basis until the case is resolved.

Ward Councillors for the area are made aware and provided with a copy of the letter sent to the responsible authority.

- Where RDC has responsibility, as land/riparian owners, cases will be given a priority by the Flood Working Group based on risk criteria. This will enable the swift resolution of cases by deploying resources to the priority cases.

Ward Councillors for the area will be kept updated at all stages of the process.

- Where the responsible authority has not been identified, officers, with assistance from Ward Councillors, will continue to investigate and attempt to establish the responsible authority or landowner.

The Flood Working Group will select an initial 5 sites in line with risk criteria so that RDC is focusing on a few areas rather than the present updating of all. (Number of sites to be kept under revision.)

Model for new cases:

- Ward Councillors for the area are requested to confirm accuracy and detail of problem and liaise with the officer to determine the responsible authority.

If the responsible authority is not Rochford District Council (RDC), a letter will be sent with all available information to that authority asking them to deal with the case and report back.

A copy of the letter will be sent to complainant if appropriate/known.

Communication will be followed up, in writing, on a six monthly basis until the case is resolved.

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