



CABINET – 5 FEBRUARY 2021

SCRUTINY REVIEW PANEL ON FLOODING

REPORT OF THE CHIEF EXECUTIVE

PART A

Purpose of the Report

1. The purpose of this report is to present the key findings and recommendations of the Scrutiny Review Panel on Flooding which is appended to this paper.

Recommendation

2. The Cabinet is recommended to:
 - (a) Accept the Final Report and recommendations of the Scrutiny Review Panel;
 - a. **The Panel supports a refresh of the Flood Risk Management Strategy in September 2021 and asks that the comments and recommendations of the Panel are taken on board.**
 - b. **That communication of the County Council's role and responsibilities as the Lead Local Flood Authority (LLFA) be reviewed to clarify that whilst it does have limited powers under the Land Drainage Act 1991 it does not have powers to force other authorities to carry out works to help alleviate flooding issues. It is therefore limited in its ability to implement solutions to flood issues or enforce other agencies and riparian owners to undertake works, even when identified as being necessary following a Section 19 investigation. This is important to help residents understand the Council's position and manage expectations.**
 - c. **That a protocol be created and set out on any agenda for public meetings created following flooding events that clarifies the role of all that attend and how it would be conducted.**

- d. That refreshed information be provided to riparian owners on their responsibilities generally, following a Section 19 investigation, and where to seek further advice when they are required to undertake work.**
- e. That the County Council continue to closely engage with communities and residents as part of Section 19 investigations in setting realistic timescales and expectations.**
- f. The Panel supports ongoing work to continue to recruit to the Flood Risk Management Team to ensure the County Council meets its statutory duties and continues to respond to and provide support to residents affected by flooding without the need to rely on consultants which often prove more costly.**
- g. That the County Council continue to assist Local Planning Authorities and respond to planning applications that present flooding concerns including for smaller applications where there was no statutory requirement, if resource allowed.**
- h. That the Council continue to develop a comprehensive asset map to record assets and maintenance records.**
- i. That the use of the 'Report It' website continued to be promoted widely.**
- j. That as part of the upcoming review of the asset classification review of the Gully Emptying Contract in February 2021 include an examination of the backlog of gully and drainage defects and general customer enquiries and whether it was cost effective in reducing outstanding queries.**
- k. That the good partnership work undertaken is noted and welcomed and that it is further explored how good practice can be evidenced and shared across organisations.**
- l. That the Terms of Reference of the Flood Risk Management Board be revised for the next Board Meeting (expected April 2021) taking into account the views and recommendations put forward by the Panel.**
- m. That lessons be learnt from the successful completion of the Lubbesthorpe Brook, property level protection for Sharnford, and Cossington Sluices schemes.**

- n. That the County Council work with the Environment Agency to encourage contributions to flood risk schemes from private landowners and local businesses.**
- o. That as part of the County Council's Flood Information it advertises the Environment Agency's Flood Incident Hotline and its Flood Warning Alert System.**
- p. That the County Council work with the Local Resilience Forum (LRF) to ensure that communities and residents be made aware of actions that they can take to mitigate the potential impact of flooding and increase their resilience.**
- q. That communication messages are refreshed to ensure:**
 - those 'at risk' are signposted to the appropriate agencies.**
 - residents understand what to do before, during and following a flood.**
 - advice is provided regarding dealing with insurance claims and signposts to Flood Re and other useful organisations.**
- r. That all residents are encouraged to sign up for the Environment Agency's flood alert system.**
- s. That new communication messages are created to address those who have never experienced a flooding event to highlight the risks in light of the increasing risk of climate change.**
- t. That appropriate methods of communication are considered and utilised to disseminate such messages such as, but not limited to, leaflets Leicestershire Matters, Twitter and Parish communications.**
- u. That alternatives to sandbags, such as door board gates, one-way toilet flows and other types of property level protection are promoted to residents to look at simple cost effective ways of reducing their own flood risk.**
- v. That the LRF and the County Council communicate to parishes and local communities the need to create community flood plans and provide them with information to enable them to play a role in providing advice to residents to better help prepare for flooding incidents.**
- w. That fresh publicity is given to the importance of the role of Flood Warden to promote uptake in areas without them,**

which the Flood Risk Management Board will oversee.

- x. **That this report is circulated to all members of the County Council and that their role as Community Champions to promote such recommendations within their communities is highlighted.**
 - y. **That the Environment and Transport Overview and Scrutiny Committee, as the Council's Flood Risk Management Committee receive an annual report providing an update on progress made and work undertaken towards approved recommendations.**
- (b) Make representations to Government to strengthen the legislation to enable the County Council as Lead Local Flood Authority to require relevant agencies to complete mitigating measures arising from Section 19 reports.
 - (c) Request the Chief Executive ensure that the recommendations of the Review are acted upon.

Reasons for Recommendations

- 3. The Panel has made a number of recommendations to the Cabinet which it considers would strengthen the Council's engagement with risk management authorities, communities and residents and promote resiliency.

Policy Framework and Previous Decisions

- 4. On 16 January 2020 the Environment and Transport Overview and Scrutiny Committee requested that a Scrutiny Review Panel be set up following significant flooding in October and November 2019, to consider the role of the Council as Lead Local Flood Authority and its links with other risk Management Authorities.
- 5. The Environment and Transport Overview and Scrutiny Committee at its meeting on 14 January 2021 resolved that the Panel's Final Report be supported and referred it to the Cabinet for consideration.

Resource Implications

- 6. The level of demand and therefore the work generated within the Council's Flood Risk Management Team is increasing and this pattern is likely to continue for the foreseeable future. If not carefully managed this will continue to put pressure on existing resources within the Department. In light of this the Panel's recommendations may need to be prioritised if they cannot all be implemented within existing budgetary provisions. External growth bids will be made where possible to support these improvements and the Department will continue to bid with partners for

funding for appropriate flood management schemes that will best support communities affected or likely to be affected by flooding.

Circulation under the Local Issues Alert Procedure

7. None

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PART B

Background

8. Following significant flooding in October and November 2019 the Environment and Transport Overview and Scrutiny Committee on 16th January 2020 agreed to set up a flooding scrutiny review panel to consider the role of the Council as Lead Local Flood Authority (LLFA) and its links with other flood risk management authorities (RMAs).
9. While the Council has a good relationship with partners involved in responding to flooding, there was an interest amongst Members regarding accountability, engagement and the effectiveness of existing structures and how the LLFA co-ordinates and effects action from those partners. The lack of influence the County Council has as LLFA over recommendations arising from its Section 19 Investigations and its influence with other RMAs was identified as a specific area of concern. *(Note: a section 19 flood investigation report is a public statement of the circumstances of a flood event and what parties have a role in managing the risks.)*
10. The Panel met on five occasions between 18 August 2020 and 21 December 2020. The Panel, during the course of the Review:
 - (a) Clarified the statutory role of the Council as LLFA and Highways Authority in relation to flooding;
 - (b) Considered the effectiveness of existing processes and procedures in relation to:
 - Responses to planning applications as LLFA;
 - Highways drainage;
 - Flooding events;
 - Section 19 Investigations.
 - (c) Examined the partnership arrangements currently in place with RMAs such as the Environment Agency and Local Planning Authorities;
 - (d) Confirmed the role of Sustainable Urban Drainage Systems (SuDS);
 - (e) Considered where lessons could be learned to help mitigate future impacts on communities;
 - (f) Looked at how to manage expectations for preventing flooding events occurring from extreme weather events and the LLFA and Highways Authority response to these, as well as the role played by other RMAs and riparian owners;
 - (g) Considered future demand and resources.

Comments from Environment and Transport Overview and Scrutiny Committee.

11. The Committee reiterated the devastating effect flooding events could have on residents' lives. Flooding events often came at the most unpredictable times and in unforeseen places, the County Council needed to ensure that communications reflected such concerns and encourage residents to be aware and informed of potential flood risk. This was especially the case with those who had never experienced a flooding event, who were often at risk of the most severe impact.
12. It was recognised that local planning authorities (LPAs) were responsible for approving any new developments and taking any comments from Leicestershire County Council, as Lead Local Flood Authority, on board. In this regard it was noted that only LPAs could enforce mitigating measures and ensure developments were up to the agreed standard.
13. The Committee was of the view that that the Government needed to do more to require flood mitigation measures be built as standard on houses built on flood plains as LPAs could only work to national regulations. The County Council could not influence such measures.
14. Members emphasised their own roles that could be played as Community Champions, having heard Mr. D. Harrison CC's positive experience within Appleby Magna where the community had stepped up and worked together with partners to put mitigating measures in place.
15. Members highlighted the Environment Agency's 24/7 Floodline (0345 988 1188) and service that allowed residents to find out whether they were within a flood zone, and for flood warning alerts, which Members should encourage local residents to sign up for.
16. It was further agreed that it was important that parishes and residents looked at their own risk and looked to build resilience within their communities through initiatives such as the Volunteer Flood Warden scheme.
17. The discussion concluded with comments regarding the fact that while Water Management Act assigned the Council the role of Lead Local Flood Authority, it gave no enforcement powers and current legislation did not provide the Authority with the ability to compel risk management authorities to take action, even when identified as part of Section-19 Investigations.
18. The Environment and Transport Overview and Scrutiny Committee would monitor progress made towards the recommendations set out within the report, including additional information setting out what actions agencies had completed following Section 19 Investigations.

Appendix

Final Report of Flooding Scrutiny Review Panel

Background Papers

Report to the Environment and Transport Overview and Scrutiny Committee on 14 January 2021 and minutes of that meeting.

<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=1044&MId=6392&Ver=4>