



**HIGHWAYS AND TRANSPORT OVERVIEW AND SCRUTINY  
COMMITTEE – 26 JANUARY 2023**

**PROGRESS REVIEW ON FLOODING SCRUTINY REVIEW PANEL**

**REPORT OF THE DIRECTOR OF ENVIRONMENT & TRANSPORT**

**Purpose of the Report**

1. The purpose of this second annual report is to update the Highways and Transport Overview and Scrutiny Committee on the progress made and work undertaken towards the approved recommendations of the January 2021 Scrutiny Review Panel report since the first annual report was presented on 20 January 2022.

**Policy Framework and Previous Decisions**

2. Leicestershire County Council has three separate statutory roles and duties in relation to water and flooding:
  - a) as Lead Local Flood Authority (LLFA) as set out in the Flood and Water Management Act 2010 “the 2010 Act”, whose responsibility it is to lead in managing local flood risk;
  - b) as defined within the Civil Contingencies Act 2004;
  - c) as Highways Authority under the Highways Act 1980, responsible for the provision and management of highway drainage, excluding motorways and trunk roads that are the responsibility of the Highways Agency (National Highways).
3. The 2010 Act requires the County Council as LLFA to produce and agree a Local Flood Risk Management Strategy and Leicestershire’s Strategy was approved by the Cabinet on 11 September 2015 following a public consultation and consideration by the Overview and Scrutiny Committee. The Strategy has a six-year refresh cycle and is currently under review.

**Background**

4. Following significant flooding in October and November 2019, the Environment and Transport Overview and Scrutiny Committee requested at its meeting on 16 January 2020 that a Scrutiny Review Panel be set up to consider the role of

the Council as LLFA and its links with other flood Risk Management Authorities (RMAs).

5. While the Council has a good relationship with partners involved in responding to flooding, there was interest amongst Members regarding accountability, engagement and the effectiveness of existing structures and how the LLFA co-ordinates and executes actions from those partners. The lack of influence the County Council has as LLFA over recommendations arising from its Section 19 investigations (which are statutory investigations undertaken following a flood event, and which detail the potential causes and the parties that have a role in managing the risk) and its influence with other RMAs, were identified as a specific area of concern.
6. The final report of the Scrutiny Review Panel on Flooding was presented to the Environment and Transport Overview and Scrutiny Committee on 14 January 2021. The panel made 25 recommendations which were supported by the Committee and subsequently considered and approved by the Cabinet on 5 February 2021.

#### **Update on 2021 recommendations**

7. Since the January 2021 Scrutiny Review Panel report was published, there has been significant progress across the recommendations. Detailed updates relating to each recommendation are presented in Appendix A.
8. Key actions undertaken since the original Scrutiny report include:
  - a) The Local Flood Risk Management Strategy refresh is currently underway with a scheduled public consultation for Autumn 2023 (subject to continued resource availability). The Strategy update will also be supported by a new more interactive website which will aim to provide improved visibility of information for the residents and businesses of Leicestershire.
  - b) The Flood Risk Management Board has been reignited and well attended resulting in a revised terms of reference for the group and a key focus has been on how all agencies can provide consistent and coherent communication messages with regards to flooding. The Communications Plan sets out specific key points throughout the year (in addition to those issued during a flood event) when communications will be released, with details agreed on information that would be best issued.
  - c) The LLFA is to be the lead organisation for Recovery Cells created as part of any Tactical Coordinating Group (TCG) or Strategic Coordinating Group (SCG) meetings to try to minimise work duplication and to maximise the efficiency of limited resources from all organisations during emergency situations.

- d) The formal flood investigation reports (made under Section 19 of the 2010 Act) have been updated to include timescales for agreed actions.
9. Some of the recommendations made, consisted of work that the LLFA was already conducting and therefore there has been a continuation of delivery of service. For the purposes of this report, the recommendations have been categorised into themes. The table below details action status and timescales for delivery of all recommendations to date.

**Table: Update on recommendations**

Recommendation	Recommendation Theme	Action Status	Timescale
a	Strategy update	In progress	Due Autumn 2023
b,o,p,q,r,s,t,u	Comms	Complete	Summer 2022
c	Public meetings	Complete	Complete
d	Riparian responsibilities	Complete	Ongoing
e	Timescales – Section 19 reports	Complete	Complete
f	Recruitment	Complete	Complete
g	Planning responses	Complete	Ongoing
h	Asset Map	In progress	Ongoing
i	Report it now	Ongoing	Ongoing
j	Gulley contract	Complete	Complete
k	Partnership working	Complete	Ongoing
l	ToR FRMB	Complete	Complete
m	Sharing lessons learnt	Complete	Ongoing
n	Maximising contributions	Complete	Ongoing
v	Flood Plans	Ongoing	Ongoing
w	Flood Wardens	Ongoing	Ongoing
x	Scrutiny report circulation	Complete	Complete
y	Update frequency	Complete	As appropriate

\*Note: All timescales proposed are subject to resource availability.

### **Resource Implications**

10. There are no specific resource implications arising from this report, staffing levels are good and work is subject to regular prioritisation. However, weather conditions can lead to a rapid reprioritisation of workload and significant internal property flooding can trigger new Section 19 investigations which will take priority over other work. Not all resources are Leicestershire County Council's, as there are other flood RMAs such as the Environment Agency, Severn Trent Water and the district councils with their separate remits whose resources are utilised as part of the collaborative approach to flood risk management.
11. The Director of Corporate Resources and the Director of Law and Governance have been consulted on the contents of the report.

## **Conclusions**

12. A recommendation from the Scrutiny Panel report was for an annual update paper to enable progress to be monitored against delivery of the recommendations. This report provides that update and highlights the progress that has been made, setting out timescales for the few ongoing actions.
13. Now that all actions arising from the Review Panel have been completed or are ongoing and thus form part of business as usual for the Flood Risk Management, Highway Drainage and Local Resilience Forum teams, it is proposed that no further updates on these will be provided to this Committee as a matter of routine. Instead, reporting will revert to the usual process with items being provided upon request or as needed.
14. The Highways and Transport Overview and Scrutiny Committee will be consulted separately on the Local Flood Risk Management Strategy.

## **Recommendation**

15. The Committee is asked to note and comment on the update now provided and to agree the proposed approach for future reporting arrangements.

## **Background papers**

20 January 2022 – Highways and Transport Overview and Scrutiny Committee – Progress Review on Flooding Scrutiny Review Panel

<https://politics.leics.gov.uk/ieListDocuments.aspx?MId=6732>

14 January 2021 – Environment and Transport Overview and Scrutiny Committee - Final report of the Scrutiny Review Panel on Flooding –

<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=1044&MID=6392#A166640>

5 February 2021 – Cabinet - Scrutiny Review Panel on Flooding

<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=135&MId=6440&Ver=4>

Local Flood Risk Management Strategy

<https://www.leicestershire.gov.uk/environment-and-planning/flooding-and-drainage/flood-risk-management>

## **Circulation under the Local Issues Alert Procedure**

None

## **Equality Implications**

16. There are no equality implications arising from the recommendations in this report, but an Equality Impact Assessment is being produced for the revised Local Flood Risk Management Strategy which is expected to be complete in Autumn 2022.

### **Human Rights Implications**

17. There are no human rights implications arising from the recommendations in this report, but a Human Rights Impact Assessment is being produced for the revised Local Flood Risk Management Strategy which is expected to be complete in Autumn 2022.

### **Other Relevant Impact Assessments**

18. No detailed environmental assessments have been undertaken on the recommendations of the 2021 review panel report however, the County Council will assess the environmental implications of the new Local Flood Risk Management Strategy during its development and any flood alleviation projects, at appropriate points, during their progress.

### **Appendices**

Appendix A – Detailed update on recommendations

Appendix B - Terms of Reference for Flood Risk Management Board

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