Appendix H

Leicestershire County Council

Equality & Human Rights Impact Assessment (EHRIA)

This Equality and Human Rights Impact Assessment (EHRIA) will enable you to assess the **new, proposed or significantly changed** policy/ practice/ procedure/ function/ service** for equality and human rights implications.

Undertaking this assessment will help you to identify whether or not this policy/ practice/ procedure/ function/ service** may have an adverse impact on a particular community or group of people. It will ultimately ensure that as an Authority we do not discriminate and we are able to promote equality, diversity and human rights.

Before completing this form please refer to the EHRIA guidance, for further information about undertaking and completing the assessment. For further advice and guidance, please contact your Departmental Equalities Group or equality@leics.gov.uk

**Please note: The term 'policy' will be used throughout this assessment as shorthand for policy, practice, procedure, function or service.

Key Details	
Name of policy being assessed:	Local Flood Risk Management Strategy
Department and section:	Environment and Transport Department Infrastructure Planning, within Highways and Transport Network Management
Name of lead officer/ job title and others completing this assessment:	Lee Quincey Head of Service Network Management Environment and Transport Department
Contact telephone numbers:	01163056308
Name of officer/s responsible for implementing this policy:	Lee Quincey and Flood Risk Management Team
Date EHRIA assessment started:	08/04/2022

Date EHRIA assessment completed:	23/02/2023

Section 1: Defining the policy

Section 1: Defining the policy
You should begin this assessment by defining and outlining the scope of this policy. You should consider the impact or likely impact of the policy in relation to all areas of equality, diversity and human rights, as outlined in Leicestershire County Council's Equality Strategy.

1	**What is new or changed in this policy?** *What has changed and why?*
	The current Local Flood Risk Management Strategy (LFRMS) was published in August 2015, following the implementation of the Flood and Water Management Act (2010)
	The Strategy coordinates the management of local flood risk from surface water, ground water and ordinary watercourses.
	The Strategy has been developed to understand and manage flood risk within the county, by creating better knowledge of our risks, better co-operation between organisations involved in flood risk management and better communication with the public.
	Why are changes being made?
	A full review and update of the policy is being completed, due to the following triggers:
	1. LFRMS review timescales 2. National strategy consistency 3. By recommendation of scrutiny 4. Improved Risk Management Authority (RMA) understanding and strategy utility 5. Community engagement 6. Changes in approach
	1. LFRMS Review timescales
	• The existing LFRMS was published in August 2015. In section 9 "Monitoring and Review" it is stated: "this strategy will be updated every six years from the date of final approval. This is in accordance with the deadlines for the revised Environment Agency River Basin Management Plans (RBMP's)". • We are now over six years from the publication date.

- The RBMP's and associated Flood Risk Management Plans (FRMP's) were updated in December 2022. This aligns well with the suggested dates for the LFRMS update.

2. National Strategy Consistency

- In section 9(5) of the Flood and Water Management Act 2010, it is stated: "The strategy must be consistent with the national flood and coastal erosion risk management strategy (NFCERMS) for England under section 7".
- A full update to the NFCERMS was published on 14th July 2020. The LFRMS has been reviewed against the strategy and it is clear significant updates were required to ensure consistency.
- Other national guidance and reviews will also be considered.

3. By recommendation of Scrutiny

- Following significant flooding in October and November 2019, the Council's 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).
- The review panel published their findings in 2021. Recommendation A was: "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".
- A full review and update therefore is in line with Scrutiny's recommendations for a refresh.

4. Improved RMA understanding and strategy utility

- Whilst roles and responsibilities have not changed significantly, since 2015 both LCC and other Risk Management Authorities (RMA's) have a much-improved knowledge of local flood risk in Leicestershire, and how it is be managed.
- The updated LFRMS and action plan better reflects what is being done (objectives and measures), and the way in which it is approached (principles). This will make the LFRMS more useful to both RMA's and local communities going forwards.

5. Community engagement

- The Scrutiny Panel's recommendations (see 3) included better communication with the public.
- Initial reviews of the LFRMS suggest it could be more useful as a community engagement tool, both in terms of content and format, whilst also achieving other requirements.

6. Changes to policies and approaches

- Some ways of working have already changed

- Other changes are likely to be proposed, such as changes to the thresholds for section 19 flood investigations.

Other drivers

- In May 2019, Leicestershire County Council declared a climate emergency
- The Council also has a new strategic plan 2022-2026

What is changing?

Principles, objectives and measures have been reworked to improve the document and bring it up to date with current ways of working.

Existing objectives:

Objective 1 Work Collaboratively
Objective 2 Improve Understanding and Awareness
Objective 3 Enhance the Natural and Historic Environment
Objective 4 Improved Resilience
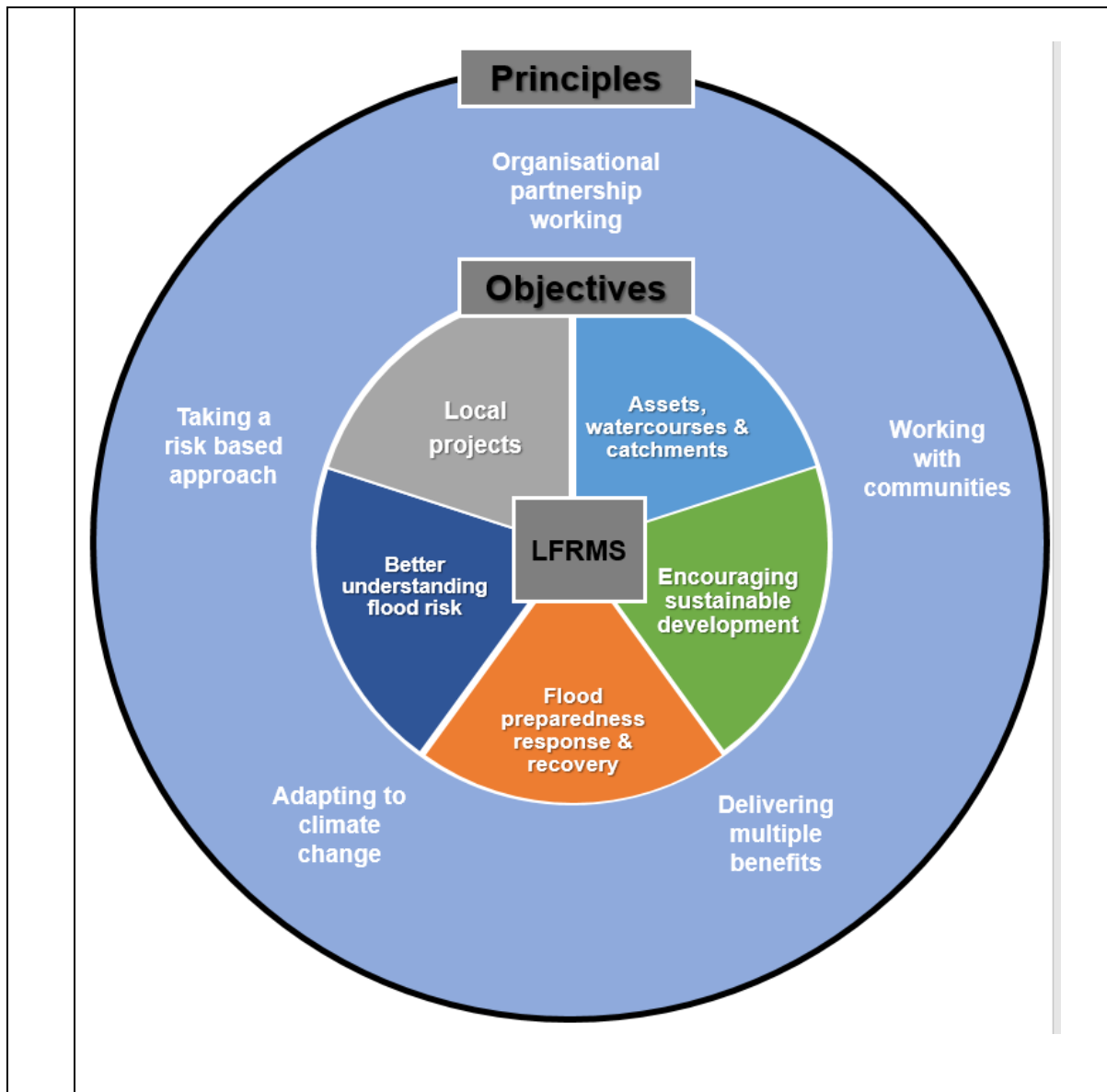Objective 5 Encourage Sustainable Development
Objective 6 Use Resources Effectively
Objective 7 Promote Riparian Responsibilities

Existing principles:

- Flooding is a natural event that will occur despite all efforts to prevent it. Hence it is important to focus as much on reducing the disruption that flooding causes as on measures to prevent it.
- Flood damage from surface runoff, groundwater and ordinary watercourses creates both public and private costs. Effective flood risk management can reduce both long-term flood damage costs to property and the impacts on human health and well being
- Decisions on where local resources are focused should be evidence-based and made against clear criteria.
- Improving the level of knowledge about flood risk across all stakeholders is a vital process which needs to be improved.
- No organisation is able to ensure that all households and businesses are safe from flooding. Householders and businesses have responsibility for protecting their property, but the County Council and its partners will endeavour to inform households of their risk and advise what steps they can take to make their property more resilient.
- No single organisation can effectively manage flood risk across the whole of Leicestershire, so co-operation among partners is essential for the success of long-term flood risk management.
- New developments should look not only to ensure that there is no increase in flood risk but where possible, seek betterment. National Planning Policy states new development should be directed away from areas of flood risk wherever possible.
- The cumulative impact of small developments on flood risk is as significant as the impact of major developments, and so both must be managed in order to ensure the threat of flood risk does not grow.

New objectives and principles

2	**Does this relate to any other policy within your department, the Council or with other partner organisations?**
	The main documents are listed:
	LCC / LLR Flood Risk Management
	• Preliminary Flood Risk Assessment • Surface Water Management Plans • LLR Multi-Agency Flood Plan (and other related emergency plans on Resilience Direct)
	LCC Environment & Transport Department
	https://leics.sharepoint.com/sites/environmentandtransport/SitePages/plans-and-strategies.aspx
	• Departmental Business Plan and Appendices • Leicestershire Local Transport Plan 3/4

	- Highways Asset Management Strategy & Policy - Network Management Plan Strategy & Policy - Leicestershire Highways Design Guide - Highways Asset Risk Management Strategy - Highways Infrastructure Asset Management Plan (HIAMP) - Councils Strategic Plan 2022-26 - Environment Strategy 2018-2030 - Climate change adaptations for highways - Tree Management Strategy 2020-2025 LCC Wider Council Plans - Councils Strategic Plan 2022-26 - Climate Change Risk and Resilience Assessment 2021 Districts and Boroughs - Local development plans - Strategic flood risk assessments - Operational flood plans Water and Sewerage Companies (Anglian Water and Severn Trent Water) - Drainage and Wastewater Management Plans - AMP7 Regional - River Basin Management Plans (Environment Agency) - Flood Risk Management Plans (Environment Agency) National - National Flood and Coastal Erosion Risk Management Strategy (NFCERMS) - NFCERMS Roadmap - Surface Water Management Action Plan (2018) 25 Year Environment Plan
3	**Who are the people/ groups (target groups) affected and what is the intended change or outcome for them?** **Group 1 - RMA's and other related teams and organisations** - The Environment Agency - District/ Borough Councils - Internal Drainage Board - Water and Sewerage Companies - Local Highway Authority - LLR Prepared / Local Resilience Forum - Emergency responders

	• Leics CC Climate Resilience Team / Environment Team The strategy details the principles, objectives, and measures by which these organisations will work together to manage flood risk. It better reflects the way in which flood risk is managed by these organisations and provides a plan for the coming years. They will be consulted in detail on the changes made and the action plan. **Group 2 - Communities** • Members of the public (mainly communities at risk) • Flood Groups / Flood Wardens • Riparian landowners and other landowners The strategy details the principles, objectives, and measures by which we will help these communities, and how they can be involved, or receive this support. They will be consulted.			

4	**Will this policy meet the Equality Act 2010 requirements to have due regard to the need to meet any of the following aspects? (Please tick and explain how)**			
		Yes	**No**	**How?**
	Eliminate unlawful discrimination, harassment and victimisation	YES		One of the principles is taking a risk based approach, whereby we will look to apply the strategy prioritising based upon the risk to them, rather than other factors.
	Advance equality of opportunity between different groups	YES		One of the principles is working with communities. We are seeking to provide the right support for different communities and groups.
	Foster good relations between different groups	YES		In facilitating collaborative working. Working with communities is a principle.

Section 2: Equality and Human Rights Impact Assessment (EHRIA) Screening

Section 2: Equality and Human Rights Impact Assessment Screening
The purpose of this section of the assessment is to help you decide if a full EHRIA is required.

If you have already identified that a full EHRIA is needed for this policy/ practice/ procedure/ function/ service, either via service planning processes or other means, then please go straight to Section 3 on Page 7 of this document.

Section 2
A: Research and Consultation

		Yes	No*
5.	Have the target groups been consulted about the following?		
	a) their current needs and aspirations and what is important to them;		**NO**
	b) any potential impact of this change on them (positive and negative, intended and unintended);		**NO**
	c) potential barriers they may face		**NO**
6.	If the target groups have not been consulted directly, have representatives been consulted or research explored (e.g. Equality Mapping)?		NO
7.	Have other stakeholder groups/ secondary groups (e.g. carers of service users) been explored in terms of potential unintended impacts?		**NO**
8.	*If you answered 'no' to the question above, please use the space below to outline what consultation you are planning to undertake, or why you do not consider it to be necessary.		

8. *If you answered 'no' to the question above, please use the space below to outline what consultation you are planning to undertake, or why you do not consider it to be necessary.

Group 1 (section 1 – 3) were consulted during July / August 2022, prior to writing the first draft. They were then consulted in January / February 2023 on the first draft and associated documents. They will also have another opportunity when it goes to public consultation (scheduled for June / July 2023).

Group 2 – two community groups were consulted on the first draft in January / February 2023. All will have an opportunity during public consultation (scheduled for June / July 2023).

If anything comes up from consultations with regards to EHRIA, we will review this screening document.

General ongoing consultation

RMA's regularly engage communities affected by flooding, through LLR Prepared and the Local Resilience Forum, and LLF flooding investigations. RMA's regularly work in partnership to review performance after flood events, including discussion on how we have supported those identifying with any of the protected characteristics. Through engagement, the specific needs of communities and details of their demographic are used to inform decisions on future interventions and projects.

Section 2 **B: Monitoring Impact**			
9.	Are there systems set up to:	**Yes**	**No**
	a) monitor impact (positive and negative, intended and unintended) for different groups;	YES	
	b) enable open feedback and suggestions from different communities	YES	

Note: If no to Question 8, you will need to ensure that monitoring systems are established to check for impact on the protected characteristics.

Section 2 **C: Potential Impact**

10.

Use the table below to specify if any individuals or community groups who identify with any of the 'protected characteristics' may potentially be affected by this policy and describe any positive and negative impacts, including any barriers.

Added text:

For those which are yes below, through the taking a risk-based approach principle, such persons are prioritised where possible in managing local flood risk (e.g. in flood response, enquiries etc.), and considered in other related plans (e.g. district and borough operational flood plans). Our partners including LLR Prepared have specific mitigation in place to ensure their specific needs are met in an emergency situation.

As a result of the strategy update discussions with other risk management authorities, as a measure we are proposing to establish and coordinate a cross organisational community engagement plan for local flood risk management. This would formalise monitoring of engagement of those groups with protected characteristics affected by flooding.

	Yes	**No**	**Comments**
Age	YES		Elderly people can be more vulnerable to flood hazards.
Disability	YES		Disabled people can be more vulnerable to flood hazards.
Gender Reassignment		NO	

		Yes	No	Comments
	Marriage and Civil Partnership		NO	
	Pregnancy and Maternity	YES		Pregnant women or people with young families can be more vulnerable to flood hazards.
	Race	YES		Language could be a barrier.
	Religion or Belief	YES		The use of alternative accommodation during flooding may be an issue.
	Sex		NO	
	Sexual Orientation		NO	
	Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities	YES		Access to resources for those in rural locations. Access and affordability for those in deprived or disadvantaged communities
	Community Cohesion	**YES**		We are seeking to empower communities. For example, the strategy will support the creation of flood groups.
11.	Are the human rights of individuals potentially affected by this proposal? Could there be an impact on human rights for any of the protected characteristics? **(Please tick)** Explain why you consider that any particular article in the Human Rights Act may apply to your policy/ practice/ function or procedure and how the human rights of individuals are likely to be affected below: [NB. Include positive and negative impacts as well as barriers in benefiting from the above proposal]			
		Yes	**No**	**Comments**
	Part 1: The Convention- Rights and Freedoms			
	Article 2: Right to life	yes		• Article 2 impacts on the work of public authorities in protecting

			people from danger, this would apply during flooding events • Article 2 will be relevant because during flooding events there is the possibility that someone's life could be at risk.
Article 3: Right not to be tortured or treated in an inhuman or degrading way		NO	
Article 4: Right not to be subjected to slavery/ forced labour		NO	
Article 5: Right to liberty and security		NO	
Article 6: Right to a fair trial	yes		• Article 6 is relevant because this strategy requires decision-making procedures in the public sector. • The strategy is likely to include an enforcement policy, to help us carry out our duties of enforcement,
Article 7: No punishment without law		NO	
Article 8: Right to respect for private and family life	yes		• Article 8 is relevant as entry to properties (including businesses) may be necessary during flooding events, or if Property Flood Resilience is being installed as part of a scheme. • Article 8 relates to handling environmental issues, such as waste management or pollution; Flooding is an environmental issue
Article 9: Right to freedom of thought, conscience and religion	Yes		• May not be possible to provide religious facilities in an emergency situation
Article 10: Right to freedom of expression		NO	
Article 11: Right to freedom of assembly and association		NO	
Article 12: Right to marry		NO	
Article 14: Right not to be discriminated against		NO	

	Part 2: The First Protocol			
	Article 1: Protection of property/ peaceful enjoyment	Yes		• Article 1 refers to work in any area that can deprive people of their possessions or property. During severe flood events people will be required to vacate their properties or restricted from entering their properties.
	Article 2: Right to education		NO	
	Article 3: Right to free elections		NO	

Section 2
D: Decision

12.	Is there evidence or any other reason to suggest that:	**Yes**	**No**	**Unknown**
	a) this policy could have a different affect or adverse impact on any section of the community;		**X**	
	b) any section of the community may face barriers in benefiting from the proposal		**X**	

13.	Based on the answers to the questions above, what is the likely impact of this policy			
	No Impact ☐	Positive Impact ☐	Neutral Impact **X**	Negative Impact or Impact Unknown ☐

Note: If the decision is 'Negative Impact' or 'Impact Not Known' an EHRIA Report is required.

14.	Is an EHRIA report required?	Yes ☐	No **X**

Section 2: Completion of EHRIA Screening

Upon completion of the screening section of this assessment, you should have identified whether an EHRIA Report is requried for further investigation of the impacts of this policy.

Option 1: If you identified that an EHRIA Report <u>is required</u>, continue to Section 3 on Page 7 of this document to complete.

Option 2: If there are <u>no</u> equality, diversity or human rights impacts identified and an EHRIA report <u>is not required</u>, continue to Section 4 on Page 14 of this document to complete.

Section 4: Sign off and scrutiny

Upon completion, the Lead Officer completing this assessment is required to sign the document in the section below.

It is required that this Equality and Human Rights Impact Assessment (EHRIA) is scrutinised by your Departmental Equalities Group and signed off by the Chair of the Group.

Once scrutiny and sign off has taken place, a depersonalised version of this EHRIA should be published on Leicestershire County Council's website. Please send a copy of this form to louisa.jordan@leics.gov.uk, Members Secretariat, in the Chief Executive's department for publishing.

Section 4
A: Sign Off and Scrutiny

Confirm, as appropriate, which elements of the EHRIA have been completed and are required for sign off and scrutiny.

Equality and Human Rights Assessment Screening [x]

Equality and Human Rights Assessment Report [ ]

1st Authorised Signature (EHRIA Lead Officer): Victoria Coombes

2nd Authorised Signature (DEG Chair): Ann Carruthers 28-02-23