

## CABINET ITEM COVERING SHEET PROFORMA

**AGENDA ITEM**

**REPORT TO CABINET**

**5 MARCH 2009**

**REPORT OF CORPORATE  
MANAGEMENT TEAM**

### **CABINET/COUNCIL DECISION**

**Environment – Lead Cabinet Member – Councillor Jennie Beaumont  
Regeneration & Transport - Lead Cabinet Member – Councillor Bob Cook  
Corporate Management & Finance – Lead Cabinet Member – Councillor Terry Laing  
Housing & Community Safety – Lead Cabinet Member – Councillor Steve Nelson**

#### **FLOOD RISK MANAGEMENT – PITT REVIEW**

1. Summary (expanded report summary)

The floods in Summer 2007 were unprecedented in terms of the scale and impact. The three months from May to July were the wettest since records began and the events that followed resulted in the deaths of 13 people, damage to approximately 48,000 homes and 7,000 businesses.

Fortunately the borough of Stockton on Tees was not affected by flooding and escaped with relatively minor disruption to services.

Power and water supplies were lost, railway lines, eight motorways and many other roads were closed and large parts of five counties and four cities were brought to a standstill.

The flooding stretched local resources to the limit.

In August 2007 Sir Michael Pitt was asked by Ministers to carry out a review of the flood related emergencies, which occurred during the Summer of 2007.

The Pitt Review “Learning Lessons from 2007 Floods” was released in 25 June 2008. Overall it contains 92 recommendations addressing physical, institutional, co-operative and political aspects of flood risk management.

In December 2008 the Government published its response to the Pitt Review in the form of an action plan for Government, local authorities and others to implement the 92 recommendations within the review. This report considers the implications for the Council, the next steps to be taken and the long-term implications.

2. Recommendations

1. Members note the content of this report.
2. Officers produce a further report when the Floods and Water bill is published and the impact that will have upon the Authority is clear.

3. Subject to Council approval the portfolio of the Cabinet Member for Corporate Management and Finance will be the lead for flood risk management.

3. Reasons for the Recommendations/Decision(s)

1. One of the key recommendations within the Pitt Review is that local authorities take on the leadership role in flood risk management.
2. Whilst Stockton, thankfully, was not particularly affected by the excessive rainfall of Summer 2007 there is a need to review existing procedures and to respond to measures anticipated from the Review and the impending Floods and Water Bill expected to be published in Spring 2009.
3. There is a need to not only respond to emergencies arising from flooding incidents but to have in place adequate systems to identify and prioritise risk from flooding and to develop measures to mitigate that risk.
4. Whilst the Floods and Water Bill will set out the legislative framework to implement some of the recommendations within the Pitt Review there is a need to consider the implementation of those recommendations that require little or no additional resources.

4. Members' Interests (the text below is fixed and should not be altered by the author, however, extensive guidance on the **Members' Code** of conduct is available to officers if required)

Members (including co-opted Members with voting rights) should consider whether they have a personal interest in the item as defined in the Council's code of conduct (**paragraph 8**) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.

Where a Member regards him/herself as having a personal interest in the item, he/she must then consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest (**paragraphs 10 and 11 of the code of conduct**).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting considering the business is being held -

- in a case where the Member is attending a meeting (including a meeting of a select committee) but only for the purpose of making representations, answering questions or giving evidence, provided the public are also allowed to attend the meeting for the same purpose whether under statutory right or otherwise, immediately after making representations, answering questions or giving evidence as the case may be;
- in any other case, whenever it becomes apparent that the business is being considered at the meeting;

and must not exercise executive functions in relation to the matter and not seek improperly to influence the decision about the matter (**paragraph 12 of the Code**).

**Further to the above, it should be noted that any Member attending a meeting of Cabinet, Select Committee etc; whether or not they are a Member of the Cabinet or Select Committee concerned, must declare any personal interest which they have in the business being considered at the meeting (unless the interest arises solely from the Member's membership of, or position of control or management on any other body to which the Member was appointed or nominated by the Council, or on any other body exercising functions of a public nature, when the interest only needs to**

**be declared if and when the Member speaks on the matter), and if their interest is prejudicial, they must also leave the meeting room, subject to and in accordance with the provisions referred to above.**

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**SUMMARY**

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**RECOMMENDATIONS**

1. Members note the content of this report.
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## **DETAIL**

### **BACKGROUND**

1. On 25 June 2008 Sir Michael Pitt delivered to Government his report on the 2007 floods. It made 92 recommendations covering flood risk management (i.e. knowing when and where it may flood; better planning and reducing the risk of flooding and its impact); emergency response; maintaining power and water supplies and protecting essential services; better advice and helping people to protect their families and homes; and recovery.
2. The scale of the damage to homes in 2007 can be seen by the fact that as at the end of November 2008, over a year later, there were still 1,040 households who were still displaced from their homes.
3. In defining roles the Pitt Review recommended that the Environment Agency should take a strategic direction in managing inland flood risks while local authorities should adopt a new leadership and scrutiny role, overseeing flood risk management in their area.
4. Much of the flooding in 2007 was due to drains and sewers being unable to cope with sudden and extreme rainfall. Responsibility for the drainage system is shared by a number of organisations and owners with no strategic planning control, duty to co-operate or agreed standards of maintenance.
5. The Environment Agency had developed detailed flood risk maps for coastal and river flooding (fluvial flooding), but there are no similar maps yet available for surface water flooding (pluvial flooding).
6. The Pitt Review examined the emergency response and how to reduce the risk and impact of flooding in the future. It sought views from those involved in the floods i.e. affected residents, businesses, emergency services, professional bodies and local authorities. The report focuses on the response and impacts on those flooded and investigated what can be done to manage the risks across the whole spectrum of flood risk management.
7. The Government has announced a draft Floods and Water Bill which will be published in Spring 2009. The draft bill will reflect the recommendations made in the Pitt Final Report, and will aim to update and simplify flooding and drainage legislation. It is also to respond to Defra's Future Water Strategy that looks at wider sustainable water management challenges.

### **KEY FINDINGS AND RECOMMENDATIONS**

8. Research that was commissioned for the Pitt report placed the flooding firmly within the context of climate change and the increased likelihood of more extreme weather, which we need to plan for and adapt to.
9. This is now being addressed through a risk assessment process set out within the guidance issued for New National Indicator 188 'Planning to Adapt Climate Change'. We aim to have an action plan drafted by the end of March to meet our commitment set out in the local area agreement where adaptation is seen as a key priority.
10. The Pitt Report called for urgent and fundamental changes to the way the country adapts to the risk of flooding. The 92 recommendations are aimed at:
  - Reducing the risk of flooding
  - Reducing the impact of flooding
  - Improving interaction with the planning system
  - Improving the emergency response
  - Informing and preparing the public

- Ensuring a smooth transition from response to recovery
  - Ensuring effective recovery
11. The report emphasises the need to adapt to the impacts of climate change and recommends practical actions to address an increased risk of flooding.
  12. Pitt identifies flooding as a major threat to the country and that it should be taken as seriously as other threats such as terrorism or pandemic flu.
  13. Strong, effective leadership at national and local level are needed to address this challenge along with clarity about who is responsible for what and a willingness to work together and share information.

## **FLOOD RISK MANAGEMENT**

14. The Pitt report makes the following recommendations:
  - More frequent and systematic monitoring by the Environment Agency of groundwater levels;
  - Environment Agency, local authorities and water companies to work together to map areas at risk of surface water flooding and establish effective warning systems for this type of flooding;
  - Clearer roles and responsibilities for managing drainage systems;
  - Minimum levels of flood protection for critical infrastructure;
    - i. Mapping of areas at risk of flooding will require additional resources as will more active planning and management of surface water.
    - ii. Design of drainage systems will need to assess the risk both now and in the future from climate change. Funding to upgrade existing systems could be built into the water industry pricing review as it is expected that significant investment is required nationally.

## **RESPONSE AND RECOVERY**

15. Emergency Planning Recommendations include:
  - Upper tier (unitaries, or counties in two tier areas) authorities should lead the planning for severe weather emergencies at the local level and trigger multi-agency arrangements in response to severe weather. The police will retain responsibility for leading the emergency response (unless agreed otherwise locally);
  - Local Resilience Forums to urgently review current arrangements for water rescue, community risk registers, rest centres, etc. to ensure they are adequate;
  - A national flooding exercise as soon as possible to test arrangements for future flooding and infrastructure emergencies;
16. Warning and informing recommendations include:-
  - Environment Agency to raise awareness of flood risk and improve mechanism for warning the public;
  - LRFs to develop door knocking plans, co-ordinated by local authorities;
  - Local authorities to take the lead in dealing with public enquiries and redirection to other organisations after major flooding;
  - Council leaders and Chief Executives to work with local media to play a prominent role in public reassurance and advice during emergencies;
  - Government Offices to ensure coherence and co-ordination of recovery operations in multi-area emergencies;
  - Local authorities to co-ordinate a programme of community engagement;
  - Government Offices and LGA to develop arrangements for advice and support from experienced organisations to area recovering from flooding;

- Local authorities to review their reserves and insurance arrangements to ensure they are able to bear the cost of recovery in future emergencies;
17. The report recommends work by local authorities, the Environment Agency and others to improve the range of mechanisms to identify vulnerable people and warn the public in flooding emergencies.

## **ROLE OF LOCAL AUTHORITIES**

18. One of the main themes of the report is the importance of local leadership. Its recommendations include:
- Local authorities to co-ordinate the mapping of local surface flood risk and compile a register of local water assets;
  - A clear leadership and forward planning role by local authorities in managing surface water flooding and drainage at the local level;
  - Rigorous application of PPS25 (Planning for Climate Change) by planning authorities to consider all sources of flood risk and ensure developers contribute to building and maintaining defences;
  - Stronger planning and building controls for construction and refurbishment in flood risk areas;
  - Local Surface Water Management Plans to provide the basis for managing all local flood risk;
19. The Surface Water Management Plans will provide an essential tool for local authorities in managing flood risk. However while the compiling of a local water asset register is crucial in reviewing the condition of these assets it will be costly and the recommendations it identifies will need to be managed.
20. Pitt recommended that local authorities should consider mutual aid agreements between neighbouring authorities or even further afield to share facilities, equipment, specialists and support staff.

## **THE PITT REPORT AND STOCKTON BOROUGH COUNCIL**

21. The Pitt Report identified a local leadership role for local authorities for flood risk management including flood risk from surface run-off, groundwater and ordinary watercourses.
22. Recommendations 14-20 and 90-91 set out the roles that local authorities are to be expected to play in the future. These are set out in appendix 1 with the Governments response, implementation, funding and specifically the action to be taken by this authority.
23. Whilst we await the publication of the Floods and Water Bill there are actions that we can take and in some cases have already started and these are:
- Develop close liaison with Environment Agency – started;
  - Enhance technical expertise within the organisation – discussions taking place with Tees Valley Local Authorities through the chief engineers group to consider joint arrangements;
  - LRF to review arrangements for water rescue, community risk registers, rest centers etc. – process has commenced with LRF;
  - Review insurance arrangements and reserves – being addressed;
  - It is recognised that this cross cutting agenda associated with the Floods & Water Bill will generate across all service areas, it is for this reason that it has been recommended to Council that the lead responsibility should lie within the portfolio for Corporate Management and Finance;

- Develop a comprehensive record of flooding incidents within the borough using historical information and ensure that this is updated – to be commenced using GIS system and gleaned from local knowledge as well as from other agencies;
- Work with the EA to raise awareness of flood risk and improve mechanism for warning the public – to be delivered this year using media such as Stockton News
- Ensure that PPS 25 Planning for Climate Change) is applied and that developers contribute to building and maintaining defences – being applied and will be enhanced with improved technical expertise;
- Adoption of new Sustainable Urban Drainage Systems – this is a new area which requires expertise which currently is being delivered through the strategic partnership with Arups;

## **RESPONSIBILITY FOR PRIVATE SEWERS**

24. In addition to the governments response to the Pitt review it has also been decided after lengthy consultation that ownership of existing private sewers and lateral drains that drain to public sewers will transfer to the nine statutory Water and Sewerage Companies (WaSCs) with effect from April 2011.
25. Currently the burden for these responsibilities fall on householders with officers from the council frequently getting involved in resolving disputes, remedial work and providing advice. The government also intend to take action to prevent a new stock of private sewers growing to replace the transferred existing stock.

## **WATERCOURSE MANAGEMENT**

26. All watercourses in England fall into two categories:
  - “main river” which are designated on main river maps and for which the Environment Agency has powers to undertake flood risk management work;
  - “ordinary watercourses” which are all other watercourses and for which local authorities have powers to undertake works;
27. In 1999 in recognition of the fact that some ordinary watercourses can create significant flood risk it was agreed to categorise some as “critical ordinary watercourses” (COWS). The flood risk management for these COWS which include Lustrum beck and Cowbridge beck was taken on board by the EA in 2005/06.

## **FINANCIAL IMPLICATIONS**

28. The Government in its response to the Pitt Review does state that new net burdens on local authorities will be fully funded. However it does also state that local authorities should see savings on resources as a result of risk management and reducing the likelihood of flooding incidents.
29. Clearly the very minimum impact is to be able to resource the need to develop sufficient technical capacity with the organisation to meet the needs of these recommendations and that which are expected to come forward in the Floods and Water Bill.

## **LEGAL IMPLICATIONS**

30. The draft Floods and Water Bill is expected to be published in Spring 2009 in which a number of these recommendations are expected to be incorporated.



## **RISK ASSESSMENT**

31. The recommendations within this report are judged medium risk in that this area is not in a high flood risk area, nor are the impacts likely to be severe. A full risk assessment of any plans drawn up as a result of these recommendations will be undertaken.

## **SUSTAINABLE COMMUNITY STRATEGY IMPLICATIONS**

32. Addressing risk from flooding contributes to many of the objectives within the Community Strategy and cuts across the agendas in relation to the environment, community safety and health plus regeneration in particular.

## **EQUALITIES IMPACT ASSESSMENT**

33. To be undertaken alongside risk assessment of plans developed as a result of implementing these recommendations.

## **CONSULTATION INCLUDING WARD/COUNCILLORS**

Members Forum arranged for 27 April 2009.

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### Background Papers

A copy of the Final Report by Sir Michael Pitt can be found at:  
[http://archive.cabinetoffice.gov.uk/pittreview/thepittreview/final\\_report.html](http://archive.cabinetoffice.gov.uk/pittreview/thepittreview/final_report.html)

The government's response to the Pitt Review into the summer 2007 Floods is available at:  
<http://www.defra.gov.uk/enviro/fcd/floods07/Govtresptopitt.pdf>

### Ward(s) and Ward Councillors:

All

### Property

Until the surface water management plan is developed it is not possible to determine the impact upon the capital programme or asset management plan.

For all of the following recommendations the Government has stated that in terms of the funding:

*“The draft Floods and Water Bill will be accompanied by an Impact Assessment which will set out the costs of implementing the changes to roles and responsibilities of relevant organisations. Net new burdens on local authorities will be fully funded from the funding Defra is making available to implement the Pitt Review.”*

It also states that in terms of the implementation date:

*“The draft Floods and Water Bill will be published in Spring 2009; introduction of the final Bill depends on the Parliamentary timetable.”*

### **Recommendation 14**

*Local authorities should lead on the management of local flood risk, with the support of the relevant organisations.*

#### **Government Response**

The Government supports this recommendations

#### **Implementation so far and next steps**

Local authorities will be key players in future flood risk management, particularly for surface runoff and groundwater flooding, for which there is currently no responsible authority, and for managing its interaction with other sources of flooding.

#### **SBC Response**

Discussions have already begun with the Environment Agency and will continue in order to strength this partnership arrangement and to consider actions necessary to develop effective management of local flood risk. In particular we will begin to assemble data and information on local flooding incidents and consider how they can be mapped using the GIS mapping system.

### **Recommendation 15**

*Local authorities should positively tackle local problems of flooding by working with all relevant parties, establishing ownership and legal responsibility.*

#### **Government Response**

The Government supports this recommendation.

#### **Implementation so far and next steps**

This recommendation is a key part of the future roles and responsibilities for flood risk management. The Government proposes that, as part of their role in relation to **recommendation 14**, local authorities will have a lead role in investigating local flooding incidents with all relevant parties to identify the source of the problem and where responsibility lies for addressing it.

#### **SBC Response**

Where flooding incidents have occurred or where there is a clear risk of flooding we will not only record and map them as per recommendation 14 but also investigate such incidents to identify the source of the problem and where responsibility lies for addressing it.

### **Recommendation 16**

*Local authorities should collate and map the main flood risk management and drainage assets (over and underground), including a record of their ownership and condition.*

### **Government Response**

The Government supports this recommendation.

### **Implementation so far and next steps**

This recommendation is a key part of the future roles and responsibilities for flood risk management that local authorities will have under **recommendation 14**.

This recommendation will require primary legislation to implement and proposals will be set out in the draft Floods and Water Bill which the Government intends to publish for consultation in Spring 2009. Legislation will be informed by further work to identify what asset information is required and whether a risk based approach is suitable.

### **SBC Response**

There is a clear resources issue attached to this recommendation, which needs to be addressed if this is to be implemented. We should therefore await the publication of the Floods and Water Bill and the accompanying impact assessment.

### **Recommendation 17**

*All relevant organisations should have a duty to share information and co-operate with local authorities and the Environment Agency to facilitate the management of flood risk.*

### **Government Response**

The Government supports this recommendation.

### **Implementation so far and next steps**

This recommendation is a key part of the future roles and responsibilities for flood risk management. As noted in relation to **recommendations 14-16**, the Government proposed that local authorities will have a lead role in managing local flood risk and in investigating local flooding incidents with all relevant parties to identify the source of the problem and where responsibility lies for addressing it. Sharing information is central to making this role fully effective

### **SBC Response**

Sharing information between relevant organisations is fundamental to effective flood risk management and we have already started to improve links with the Environment Agency in this respect and will link up with other agencies and organisations such as Northumbrian Water in developing out plans.

### **Recommendation 18**

*Local Surface water management plans as set out under PPS25 and co-ordinated by local authorities should provide the basis of managing all local flood risk.*

### **Government Response**

The Government supports this recommendation.

### **Implementation so far and next steps**

This recommendation will be key to supporting the future roles of local authorities in managing local flood risk.

Defra is currently developing guidance for surface water management plans (SWMPs) based on lessons learned from a series of integrated urban drainage pilots undertaken between December 2006 and April 2008. This guidance is being published in January 2009.

However, the Government is encouraging early action using existing legislative and administrative structures and £5m has already been allocated to funding priority SWMPs over the next three years. Locations for these early SWMPs are being announced in December 2008 on the basis of

organisations' expressions of interest to participate. The Government expects initial testing of guidance to be completed by March 2009.

Priority SWMPs are being funded in the three years up to and including 2010-11; the timetable for funding further Plans will be prioritised on the basis of future national risk assessments.

### **SBC Response**

Guidance on the development of Surface Water Management Plans is due to be published early in 2009. When that is available we will look at the process to be adopted, the resource implications and timescales for production before determining the action to be taken.

### **Recommendation 19**

*Local authorities should assess and, if appropriate, enhance their technical capabilities to deliver a wide range of responsibilities in relation to local flood risk management.*

### **Government Response**

The Government supports this recommendation.

### **Implementation so far and next steps**

Local authorities will be key players in future risk management as set out under recommendation 14. This will require primary legislation and proposals will be set out in the draft Floods and Water Bill which the Government intends to publish for consultation in Spring 2009.

The Government will therefore be writing to all local authority chief executives to encourage them to assess their current capability and begin making the necessary plans for taking on their local flood risk management role ahead of the primary legislative changes that will be necessary for full implementation of that role. The Government will follow up this letter to see if there are barriers to progress.

### **SBC Response**

There is a clear need to strengthen the technical capacity within the authority to deliver on these recommendations. The Government does state that net new burdens on local authorities will be fully funded.

### **Recommendation 20**

*The Government should resolve the issue of which organisations should be responsible for the ownership and maintenance of sustainable drainage systems.*

### **Government Response**

The Government supports this recommendation.

### **Implementation so far and next steps**

Following responses to the Government's consultation on "Surface Water Drainage", we intend that local authorities should be responsible for adopting and maintaining new build (and re-developed) sustainable drainage systems (SUDS) on highways and in the public realm.

We propose that county and unitary authorities should take formal responsibility for adoption to ensure that effective funding and maintenance arrangements are put in place for adopted SUDS.

### **SBC Response**

SUDs are a relatively new area for the authority with only one being adopted for the Borough. Clearly this is another area in which we need to build on technical expertise and capacity.

## **Recommendation 90**

*All upper tier authorities should establish Oversight and Scrutiny Committees to review work by public sector bodies and essential service providers in order to manage flood risk, underpinned by a legal requirement to co-operate and share information.*

### **Government Response**

The Government supports this recommendation.

### **Implementation so far and next steps**

Local authorities are already required to have at least one overview and scrutiny committee, and can choose whether to have additional committees or sub-committees for particular services or themes. These committees have powers to review and scrutinise decision made by the authority or its executive, and to make reports and recommendations to the authority/executive on the discharge of its functions, and on anything which might affect the authority's area or inhabitants.

The Government also intends including a provision in the forthcoming draft Floods and Water Bill requiring all bodies involved in flood and coastal erosion risk management to be under a duty to co-operate and share information.

### **SBC Response**

Stockton has a democratic structure which already meets the needs of periodic reviews of response to flood risk management through the Environment Select Committee and Cabinet. There will need to be clarification of portfolios and the programming of progress reports in the forward plan for the appropriate committee and Cabinet Meetings.

## **Recommendation 91**

*Each Oversight and Scrutiny Committee should prepare an annual summary of actions taken locally to manage flood risk and implement this Review, and these reports should be made public and reviewed by Government Offices and the Environment Agency.*

### **Government Response**

The Government supports this recommendation.

### **Implementation so far and next steps**

The Government will encourage the production of annual reports on local actions to manage flood risk by the local authority executive. Any such report could then be reviewed by the relevant overview and scrutiny committees.

The Government will consider further with partners whether the production of the annual summary of actions should a duty be placed on the local authorities through the forthcoming draft Floods and Water Bill and how any summaries could best be reviewed, involving peers (such as the regional flood defence committees), to help local authorities improve their plans and ensure that issues which cross local government boundaries are successfully addressed.

### **SBC Response**

The annual report considered by the Environment Select Committee or Cabinet would be made public.