

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

17th MAY 2012

**REPORT OF CORPORATE
MANAGEMENT TEAM**

CABINET DECISION

Environment – Lead Cabinet Member – Councillor David Rose

FLOOD AND WATER MANAGEMENT - LEAD AUTHORITY ARRANGEMENTS

1. Summary

The purpose of this report is to seek Cabinet approval on the intention to create a new shared services agreement for Flood Risk Management (led by Stockton Borough Council) with Darlington Borough Council. This will allow Stockton to support Darlington on their delivery of the new duties on local authorities under the Flood and Water Management Act 2010.

A large proportion of the new statutory duties were commenced in April 2011 however some areas of the legislation are still emerging and to be enacted over the next 12 months. Since the responsibilities of the Act came into force Stockton have developed its own internal resources in order to discharge the duties placed upon the Authority.

2. Recommendations

It is recommended:

1. Cabinet authorise the Head of Technical Services in consultation with the Director of Law & Democracy to formalise the proposed shared services arrangements for Flood Risk Management, with Stockton as Lead Authority.

3. Reasons for the Recommendations/Decision(s)

1. The arrangement would allow each Authority greater flexibility and ability to resource the new duties required under the Flood and Water Management Act 2010. A specialist team would be able to deliver the services for each Authority to minimise the need for procuring goods and services externally, which are required for compliance with the new statutory duties.
2. The approach would lead to consistency across the Boroughs and is supported by other risk management authorities.

4. Members' Interests

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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A large proportion of the new statutory duties were commenced in April 2011 however some areas of the legislation are still emerging and to be enacted over the next 12 months. Since the responsibilities of the Act came into force Stockton have developed its own internal resources in order to discharge the duties placed upon the Authority.

RECOMMENDATIONS

It is recommended:

1. Cabinet authorise the Head of Technical Services in consultation with the Director of Law & Democracy to formalise the proposed shared services arrangements for Flood Risk Management, with Stockton as Lead Authority.

BACKGROUND

1. The Flood and Water Management Act 2010 requires Lead Local Flood Authorities (LLFA's) to undertake a number of new statutory duties and other related functions to manage flood risk in their areas.
2. This report sets out the recommendation that Stockton acts as Lead Authority for Flood Risk Management and therefore undertakes statutory duties and services on behalf of Darlington Borough Council.
3. A large proportion of the new statutory duties were commenced in April 2011 however some areas of the legislation are still emerging and to be enacted over the next 12 months.
4. The new duties place an additional burden on already stretched resources in each of the Boroughs, it is therefore proposed to add to and develop Stockton's existing Flood Risk Management team, which will then have sufficient collective resources to undertake a significant part of the strategic work required for the area as a whole. Darlington Borough

Council will retain functions to facilitate local communications and member liaison as well as retaining responsibility for emergency response and general maintenance and inspection duties.

5. The duties to be executed by Stockton will be detailed in the proposed Shared Services Agreement and will include strategic policy, statutory duties and an advisory service.
6. The resources will be delivered by Stockton. Each Authority has received additional grant funding to cover the anticipated workload resulting from the new duties and responsibilities. It is proposed that each authority contributes to the funding of the new group through a proportion of the grant. In the first year the proposal is for each authority to contribute circa £89,000 a year from this grant.
7. This report seeks that the discharge of Darlington Borough Councils functions in relation to the Flood and Water Management Act 2010 be carried out by Stockton – on – Tees Borough Council pursuant to section 101 of the Local Government Act 1972, Regulation 7 of the Local Authority (Arrangements for Discharge of Functions) (England) Regulations 2000 and Section 13 and 19 of the Local Government Act 2000.
8. There is currently a skills shortage in flood risk management, this will be managed by up skilling some existing staff, secondment opportunities from other risk management partners and recruiting skilled individuals where required.
9. Stockton already hosts the Tees Valley Strategic Flood Risk Partnership, which is attended by Officers from all the Tees Valley Authorities, TVU, Emergency Planning, the Environment Agency and Northumbrian Water.
10. A Local Flood Risk Strategy will be produced for the Borough by June 2015, with Surface Water Management Plans for specific areas.

FINANCIAL IMPLICATIONS

11. The Flood Risk Management Group will be funded by each individual Authorities contribution from the area based grant awarded for this purpose and are contained within the Medium Term Financial Plan.

LEGAL IMPLICATIONS

12. The Director of Law and Democracy will undertake the necessary legal procedures to implement the proposed arrangements.

RISK ASSESSMENT

13. The Shared Service Agreement for Flood Risk Management is categorised as low to medium risk. Existing management systems and daily routine activities are sufficient to control and reduce risk. In addition to this the Shared Service Agreement/ Service Level Agreement will mitigate any potential risk.

SUSTAINABLE COMMUNITY STRATEGY IMPLICATIONS

14. Contributes to the adaptation element of the climate change objectives within the strategy.

Economic Regeneration and Transport

15. Contributes to the reduction in risk of flooding which can impact upon the economic stability of the area, it will also safeguard the transport infrastructure.

Safer Communities

16. Reduces the risk of flooding thereby creating a safer environment in which to live and work.

Children and Young People

17. Reducing flood risk can safeguard access to, and risk of damage to, our education facilities.

Health and Wellbeing

18. Flooding from surface water has potentially significant health risks as it is usually contaminated water from the sewerage system that is involved. Therefore to reduce the risk of flooding is to reduce the health impacts as well.

Environment and Housing

19. Contributes to the adaptation element of the climate change objectives within the strategy.

EQUALITIES IMPACT ASSESSMENT

20. The proposals in this report will not result in any changes to the impact on equality issues

CONSULTATION INCLUDING WARD/COUNCILLORS

21. Flood Risk Management is to be the subject of regular briefings with the Cabinet Member for the Environment.

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Education related?

No

Background Papers

Flood and Water Management Act 2010

Ward(s) and Ward Councillors:

All Wards are affected by this proposal.

Property

Not affected.