

TEWKESBURY BOROUGH COUNCIL

Report to:	Overview and Scrutiny Committee
Date of Meeting:	12 April 2016
Subject:	Flood Risk Management Group Monitoring Report and Action Plan
Report of:	Richard Kirk, Interim Environmental and Housing Services Group Manager
Corporate Lead:	Rachel North, Deputy Chief Executive
Lead Member:	Councillor J R Mason, Lead Member for Clean and Green Environment
Number of Appendices:	2

Executive Summary:

This report reviews the Terms of Reference of the Flood Risk Management Group and action plan, and contains an update on progress of the Flood Risk Management Group Action Plan. The Committee may wish to continue monitoring the progress of the action plan.

Recommendations:

- 1. To CONSIDER progress against the Flood Risk Management Group Action Plan**
- 2. To RECOMMENDED TO THE EXECUTIVE COMMITTEE:**
 - a) that the Terms of Reference and Flood Risk Management Group Action Plan be ADOPTED for the next 12 months; and**
 - b) that progress against the Flood Risk Management Group Action Plan be monitored by the Overview and Scrutiny Committee on an annual basis.**

Reasons for Recommendation:

The Flood Risk Management Group Terms of Reference are due for review. At a meeting of the Executive Committee on 25 March 2015, it was agreed that the Flood Risk Management Group Action Plan progress be monitored by the Overview and Scrutiny Committee on a quarterly basis and reviewed annually.

Resource Implications:

Included in the report; met from existing allocated resources (the Council employs a Flood Risk Management Officer).

Legal Implications:

The Council has powers under Section 14A of the Land Drainage Act 1991 to undertake flood risk management work where it considers that the work is desirable, having regard to the local flood risk management strategy for its area, and where the purpose of the work is to manage a flood risk in the Council's area from an ordinary watercourse. The works that the Council is permitted to do under this section is wide-ranging and includes the construction or maintenance of existing works (which include buildings, structures, watercourses, drainage works and machinery).

Where the works are to be carried out on land not owned by the Council, agreements should be put in place to cover consent of the owner for the works to be carried out and responsibilities for maintenance.

The Council's contract rules will need to be followed when appointing contractors.

Where there are joint projects, such as with the Environment Agency, the Council should enter into agreements which set out each party's obligations and responsibilities in relation to these projects, including ongoing maintenance of the works.

Gloucestershire County Council has made funding available to the District Councils to give grants to residents affected by flooding. An agreement between Gloucestershire County Council and the Borough Council is being progressed.

Risk Management Implications:

Care must be exercised to ensure that no ongoing liability is attached to the Council for work on watercourses for which the Council has no direct responsibility through making a financial contribution or carrying out of works on a one-off basis. This will be achieved as part of the project management process.

Performance Management Follow-up:

The recommendation is that performance will be monitored through regular reports to the Flood Risk Management Group and the Overview and Scrutiny Committee

Environmental Implications:

Any work involving natural watercourses or the cutting back of trees or hedges will be carried out at the time of year that has least impact on wildlife and habitat (e.g. bird nesting season). Where necessary the appropriate licences will be applied for.

1.0 INTRODUCTION/BACKGROUND

1.1 At a meeting of the Executive Committee on 25th March 2015, it was agreed that the Flood Risk Management Group Action Plan progress be monitored by the Overview and Scrutiny Committee on a quarterly basis.

1.2 That meeting also agreed a 12 month action plan and Terms of Reference for the group; therefore both are due for review.

2.0 FLOOD RISK MANAGEMENT GROUP ACTION PLAN

2.1 The action plan at Appendix 1 is based on land drainage projects monitored by the Flood Risk Management Group. The action plan is 'living' document to which funding or partnership opportunities can be added as and when they arise.

2.2 Tewkesbury Borough Council owns various parcels of land across the Borough and some of these have watercourses either running through them or adjacent to them. This means that Tewkesbury Borough Council is a 'riparian owner' with responsibilities to maintain

these watercourses in good condition. In 2010, Tewkesbury Borough Council agreed to increase the land drainage revenue budget in order to allow for routine maintenance work to be carried out.

- 2.3** The Flood Risk Management Group last met on 15 March 2016. The action plan represents the report that was presented at that meeting albeit updated to reflect work carried out since then. The next meeting of the Working Group Group is scheduled for 27 June 2016.

3.0 FLOOD RISK MANAGEMENT - 12 MONTH UPDATE

- 3.1** Tewkesbury Borough Council continues to be successful in drawing in money from various sources, including the Lead Local Flood Authority (Gloucestershire County Council) and Flood Defence Grant in Aid monies to help fund further major capital projects. Officers continue to identify and apply for funding in the future, so there will be a constant, continuing process of working with local communities to identify land drainage and flood alleviation projects, applications for funding where appropriate and overseeing the progress and completion of the work on such schemes. The Flood Risk Management Group Action Plan that has been quarterly reported to Overview and Scrutiny has been a 'living' document, with funding opportunities added when appropriate and completed schemes removed after they have been reported. Members may wish to consider further relevant projects, identified by Officers for possible funding bids.

- 3.2** At the meeting of the Flood Risk Management Group on 15 March 2016, the Working Group considered the Terms of Reference and thought them still to be relevant and necessary but asked that a recommendation be put to the Overview and Scrutiny Committee that the Committee consider the progress against the Flood Risk Management Group Action Plan on an annual basis instead of quarterly as at present. The Group thought the current arrangement inefficient as it meets quarterly; therefore, each of the meetings forms the basis of a report to the Overview and Scrutiny Committee. The draft revised Terms of Reference shown at Appendix 2 highlights the recommendation (see Section 3 (7)). If the draft revised Terms of Reference were adopted, they would be considered annually at the same time as the Action Plan.

- 3.3** The draft revised Terms of Reference also contains three small changes to clarify terminology (highlighted at Section 3 (1), 3 (2) and 3 (7)).

4.0 OTHER OPTIONS CONSIDERED

- 4.1** The Flood Risk Management Group could be disbanded and scrutiny of the Council's statutory responsibilities and work programme monitored directly by the Overview and Scrutiny Committee. However, the recommendations made by the Land Drainage Review Working Group in 2009 and the reasoning for forming the Flood Risk Management Group to oversee the Flood Response Action Plan are still relevant, albeit with a different list of projects. In addition, Members of the Flood Risk Management Group find that the Group is useful and productive.

- 4.2** The Overview and Scrutiny Committee could continue to receive quarterly reports; however, this would mean each of the meetings of the Flood Risk Management Group is considered by the Committee.

5.0 CONSULTATION

- 5.1** Funding opportunities are applied for and realised with the agreement of local communities, partners such as Gloucestershire County Council and the Environment Agency, and the Flood Risk Management Group.

6.0 RELEVANT COUNCIL POLICIES/STRATEGIES

6.1 The Council Plan 2012-16 contains the following priority within the section “Improve recycling and care for the environment”;

5. Continued work with partners to provide flood resilience measures;

- a) Work with partners to deliver flood alleviation projects funded by Gloucestershire County Council
- b) Advise and signpost local communities when applying for external funding for flood resilience measures.

7.0 RELEVANT GOVERNMENT POLICIES

7.1 National Flood and Coastal Erosion Risk Management Strategy for England (available from <https://www.gov.uk/government/publications/national-flood-and-coastal-erosion-risk-management-strategy-for-england>).

Gloucestershire Local Flood Risk Management Strategy (available from <http://www.gloucestershire.gov.uk/LFRMS>).

8.0 RESOURCE IMPLICATIONS (Human/Property)

8.1 Tewkesbury Borough Council employs a Flood Risk Management Engineer. Part of the post holder’s responsibilities is to identify flood risk management funding opportunities and submit bids, as well as to monitor progress on the action plan.

9.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

9.1 Flood risk management reduces the likelihood that local residents and businesses will have flood water entering their properties and the consequential impact that such an event would have on the health, welfare and finances of those affected.

10.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

10.1 None

11.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

11.1 Flood Risk Management Group Terms of Reference and Action Plan (Meeting of Overview and Scrutiny, Tuesday, 24 February 2015)

Flood Risk Management Group - Terms of Reference and Action Plan (Meeting of

Executive, Wednesday, 25 March 2015)

Background Papers: None

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Appendices: Appendix 1 - Flood Risk Management Group Action Plan
Appendix 2 – Flood Risk Management Group Proposed Terms of Reference