

TEWKESBURY BOROUGH COUNCIL

Report to:	Overview and Scrutiny Committee
Date of Meeting:	21 March 2017
Subject:	Flood Risk Management Group Monitoring Report
Report of:	Peter Tonge, Head of Community Services
Corporate Lead:	Robert Weaver, 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.

Recommendations:

- 1. To CONSIDER progress against the Flood Risk Management Group Action Plan.**
- 2. To RECOMMEND TO THE EXECUTIVE COMMITTEE that:**
 - a) the revised Terms of Reference and Flood Risk Management Group Action Plan be ADOPTED;**
 - b) a review of these Terms of Reference will take place within the first 12 months of the term of the new Council; and**
 - c) progress against the Flood Risk Management Group Action Plan will be monitored by the Overview and Scrutiny Committee on an annual basis.**

Reasons for Recommendation:

At its meeting on 8 June 2016, the Executive Committee approved the Terms of Reference for the Flood Risk Management Group for 12 months and agreed that progress against the Flood Risk Management Action Plan progress be monitored by the Overview and Scrutiny Committee on an annual basis. The Terms of Reference are therefore due for review.

Resource Implications:

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

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. However; under Section 64 of the Land Drainage Act 1991, the local authority may, at all reasonable times, enter any land for the purpose of exercising any functions under the Act.

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 grants available to the District Councils to undertake flood alleviation schemes. 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 its meeting on 8 June 2016, the Executive Committee approved the Terms of Reference for the Flood Risk Management Group for 12 months and agreed that progress against the Flood Risk Management Action Plan progress be monitored by the Overview and Scrutiny Committee on an annual basis. The Terms of Reference are therefore 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 13 March 2017. The action plan represents the report that was presented at that meeting.

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 is 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 13 March 2017 the Working Group considered the Terms of Reference and thought them still to be relevant and necessary; however, it was felt that it would be more appropriate to undertake a review as to whether there was an ongoing role for the Group in line with the term of the Council as opposed to on an annual basis i.e. the next review would be carried out by mid-2020, following the Borough Council elections in May 2019. If this is agreed, the Overview and Scrutiny Committee will continue to monitor the progress against the Flood Risk Management Group Action Plan annually. In addition, it is proposed that Section 3 (2) of be removed from the Terms of Reference on the basis that the Flood Response Action Plan (FRAP) is substantially complete, with the exception of one scheme at Tirley which has minor snagging issues outstanding but is operational and has been tested during flood events. The proposed amendments are set out in the revised Terms of Reference, attached at Appendix 2.

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 and Executive could continue to review the Terms of Reference for the Group on an annual basis.

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's Environmental Policy comprises five themed strategies relevant to Flood Risk Management: Own House in Order (OHIO), Climate Change, Waste and Recycling, Biodiversity and Sustainable Planning and Enforcement.

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 postholder'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 Overview and Scrutiny Committee Report and Minutes - 12 April 2016.

Executive Committee Report and Minutes – 8 June 2016.

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