


Overview & Scrutiny

Annual Scrutiny Review of Flood Management in Cheshire West and Chester



Cheshire West and Chester Overview and Scrutiny Committee

Cheshire West and Chester Council

June 2018

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1. INTRODUCTION

As Chair of the Cheshire West and Chester Overview and Scrutiny Committee responsible for the annual statutory review of flood management in Cheshire West and Chester, I have pleasure in presenting the Task Group's scrutiny report.

Building on the success of previous reviews, it was agreed to hold this year's annual scrutiny review away from the formal Committee Setting and hold the event as an informal Task Group.

Flooding is an issue that is much more prominent in the UK now. Images of flooding seem to have now become a grim reality – floodwater cascading over breached defences, disintegrating bridges over swollen rivers, cars window-deep in water, quickly and suddenly abandoned with their hazard lights on. Fortunately in Cheshire West and Chester we are not as badly affected by flooding as other areas of the Country, but when we are, it can badly affect local business, communities, homes and the environment. Flooding is everyone's business and it is not just down to the local authority to tackle any incidents. The public can do more themselves – landowners can keep their ditches and drains clear, and local communities can work together to prepare and support each other prior to, during and after any incidents of flooding.

During this year's scrutiny event, Members received an update from Officers on previous year's scrutiny recommendations. Following on from last year, members also received information from Dave Brown, Environment Agency and Steve Berry - Cheshire and Mid Mersey Partnership – Regional Officer as the Committee felt it was important to learn more about the partnership working in the Borough. .

Councils can't stop floods from happening. But with the help of partner agencies, the public, communities and neighbouring authorities, they can learn from any incidents, the aftermaths and mitigate some of the worst impacts giving local communities the support they need to get back on their feet.

The Cheshire West and Chester Overview and Scrutiny Committee would like to thank those Officers involved with the exercise.

Councillor Martin Barker.

2. RECOMMENDATIONS TO THE CABINET

The Cheshire West & Chester Overview and Scrutiny Committee would like to recommend to the Cabinet that:

1. The Quarterly Tactical Report which Cheshire West and Chester Council submits to the Cheshire Mid Mersey Partnership to be shared with Scrutiny Members in order to provide members with information on the level of flood risk management works being undertaken by the service
2. A briefing note to be provided to Cheshire West and Chester Overview and Scrutiny Committee on the Borough's flood risk management works and the funding streams available to provide schemes that reduce flood risk.
3. Cheshire West and Chester Overview and Scrutiny Committee to be provided with an update on the Councils Gully emptying policy and be offered a demonstration of the gully machines.

3. TASK GROUP DETAILS

Members

Councillor Martin Barker (Chairman)
Councillor Alex Black
Councillor Sam Naylor
Councillor Gill Watson

Officers

Andy Raynor – Principal Engineer – Highways Commissioning

Partner Organisations

Dave Brown – Environment Agency
Steve Berry - Cheshire and Mid Mersey Partnership – Regional Officer (Warrington BC)

Democratic Services Officer:

Laura Bootland – Democracy and Elections Officer.

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OUR APPROACH

What we referred to

In the summer of 2007 severe flooding occurred across many areas of England. Following the flooding, Sir Michael Pitt undertook an independent review of flooding and as a result produced a report containing 92 recommendations.

Sir Michael Pitt's review stated that "the role of local authorities should be enhanced so that they take responsibility for leading the co-ordination of Flood Risk Management in their areas".

Two pieces of legislation with new responsibilities for flood risk management for local authorities came out of the Pitt Report: The Flood and Water Management Act 2010 and The Flood Risk Regulations 2009.

The Flood and Water Management Act 2010 implements many of the changes recommended in the Pitt Review. It updated previous legislation for a more comprehensive management of flood risk for people, homes and businesses. The Act aims to reduce the flood risk associated with extreme weather conditions and clarifies who is responsible for managing all sources of flood risk. It encourages more sustainable forms of drainage in new developments and gives new responsibilities and a new role for upper tier local authorities as Lead Local Flood Authorities. The Act requires effective partnerships to be formed between the Lead Local Flood Authorities and key partners (Environment Agency and water companies etc) who are responsible for flood risk management.

The Act also provides a specific role for Overview and Scrutiny enabling Overview and Scrutiny Committees in Lead Local Flood Authorities to hold Risk Management Authorities, Lead Local Flood Authorities, Environment Agency and water companies to account. The Localism Act 2011 reinforces and strengthens the arrangements in relation to the Overview and Scrutiny function with Risk Management Authorities (RMA's) being under a duty to comply with a request made by an overview and scrutiny committee for information or a response to a report in relation to its flood or coastal erosion risk management function.

Who is Responsible for Managing Flood Risk?

The Flood and Water Management Act gave county councils and unitary authorities a new leadership role (and the new title, 'lead local flood authority') in local flood risk management, designed to work closely with a new national leadership role for the Environment Agency (EA).

The Flood and Water Management Act 2010 (FWMA) defines certain organisations as 'Risk Management Authorities' with responsibility for management of flood risk.

In addition to the specific responsibilities and functions that each RMA is required to deliver, they also share:

- A duty to act consistently with the Local Flood Risk Strategy when carrying out flood risk management functions;
- A duty to work in partnership to manage flood risk in the area and to co-ordinate flood risk management activities;
- A duty to share information and data relating to their flood risk management activities; and

- A duty to be subject to the scrutiny of the LLFA's democratic processes in respect of their flood risk management activities.

Other risk management for local authorities

Highway authorities	Cheshire West and Chester Council - highway drainage. The Council is responsible for cleaning of highway drainage.
Water and sewerage companies	managing the risks of flooding from sw & foul/combined systems
Department of Communities and Local Government	works through Local Planning Authorities to ensure flood risk is taken into account in the planning process
Environment Agencies	The Environment Agency is responsible for carrying out maintenance, improvement or construction work on main rivers to manage flood risk.

At previous Flooding Task groups, the Committee have been made aware of the different types of flooding incidents which have affected Cheshire West and Chester borough over the last few years:

- Internal flooding of properties;
- Run-off from fields;
- Blocked Highway drains;
- Ground water flooding;
- Flooding due to culverted watercourses;
- Flooding due to blocked or over capacity watercourse;
- Overcapacity/blocked public sewers;
- Flooding from Main Rivers;
- Inappropriate alterations by third parties; and
- Rainfall intensity.

What we did

The Task Group held its meeting on 18 April 2018 at HQ in Chester where it received an update on Cheshire West and Chester Council's approach to Flood Management from Andy Raynor – Principal Engineer, Highways Commissioning. A presentation was also received from Steve Berry – Flood Risk Regional Officer, Warrington Borough Council and David Brown, Senior Advisor Flood Risk Management, Environment Agency, on the role of the Cheshire and Mersey (CMM) Partnership and Cheshire West and Chester Council's role and involvement with this partnership. This presentation was extremely well received and gave the members a full and informative briefing on the role of the partnership that demonstrated the collaborative working currently taking place.

4. FINDINGS

CHESHIRE MID MERSEY PARTNERSHIP

A presentation was given by Steve Berry, Regional Officer for the Cheshire and Mid-Mersey Partnership providing an in-depth overview of the work of the Partnership and with a focus on funding streams and scheme delivery.

The Task Group learnt about the role of the Cheshire Mid-Mersey (CMM) Partnership and how it works with partners and communities to deliver an integrated and efficient flood risk management service.

The Task Group also learnt that the flood defences which are being installed in nine sections along the rivers Dane and Weaver are nearing completion. It is hoped that the newly installed flood defences will protect the town from a much greater flood event in the future.

CHESHIRE WEST AND CHESTER COUNCIL'S UPDATE

The Council is currently undertaking the following work:

WEB PAGES – The Highways and Streetscene service has recently undertaken a full review of the Council's webpages in view to vastly improving the information provided in order to improve the customer service for all website visitors. The flood risk management information will form a core part of this review and improved website facility.

BYELAWS - under Section 66 of the Land Drainage Act 1991 the Council is looking to promote and enforce byelaws. The Land Drainage Act (LDA) has enacted certain powers in relation to the regulation of watercourses, which have transferred from the Environment Agency to local authorities. The making of byelaws is seen as a key element to tackle flooding at a tactical level to deliver flood risk management objectives and has been approved by Council. These byelaws are to be advertised in the appropriate media during 2018. The Cheshire and Mid Mersey group are currently reviewing the media outlets these byelaws will be required to be advertised in

PRELIMINARY FLOOD RISK ASSESSMENT (PFRA) – an update of the current PFRA is required to meet the requirements of the Flood Risk Regulations (2009) and the Flood and Water Management Act (2010). This update is required by the end of June 2017 and is on programme to be delivered and submitted to the Environment Agency. The PFRA was received by the Environment Agency and was returned with no comments or amendments. The document has been uploaded to the GOV.UK website and will be uploaded onto the website as a part of the proposed improved Highways webpages as outlined above.

6.CONCLUSION

A multi-agency approach to flood response and management is key to ensuring the efficient and effective achievement of objectives and responsibilities shared by all risk management authorities. The Council cannot tackle flooding on its own. With the shift in climate changes, flooding and its aftermaths needs to be everyone's business – local authorities; environment agency; communities and local residents. It is hoped that local authorities will work even closer together in the future to address flooding and that devolution may open up these opportunities to a greater extent. Within Cheshire West and Chester Council there are established examples of best practice already working really well with some communities having developed their own community resilience plans.

There are a number of short, medium and long term solutions to improve flood response and flood management across the borough and this Committee makes the recommendations in Section 2 to Cabinet.

CHESHIRE WEST AND CHESTER

SCRUTINY REVIEW SCOPE

REVIEW: Flood Risk Management

TITLE OF REVIEW:	Statutory Annual Scrutiny Review of Flood Risk Management in Cheshire West and Chester
OUTLINE PURPOSE OF REVIEW:	Following widespread flooding in the United Kingdom in the Summer of 2007 and the resulting Pitt Report and Flood and Water Management Bill, Cheshire West and Chester Council has a statutory function to scrutinise the policies and plans the Council has in place to deal with flooding and ensure they are fit for purpose.
EXPECTED TIMESCALES:	Task Group Meeting Wednesday 18 th April 16.30-18.30 2.4 HQ. Final Report Sign off – 14 th June CWaC Committee
TERMS OF REFERENCE:	<ol style="list-style-type: none"> 1. To scrutinise the Council's policies and plans to manage flood risk in the Cheshire West and Chester Area. 2. To make appropriate recommendations
KEY AREAS OF ENQUIRY:	<p>A Task Group meeting to receive and consider information on the following:</p> <ul style="list-style-type: none"> • A presentation on the Council's current priorities and progress made on the implementation of the previous 2 years Scrutiny recommendations (Kieran Collins & Andy Raynor CWaC). • A presentation by Dave Brown (Environment Agency) and Steve Berry (Flood Risk Management Regional Officer of Warrington Council and Co-ordinator of the Cheshire & Mid-Mersey Working Group to discuss funding streams, budgets and collaborative working.

HOW REVIEW COULD BE PUBLICISED:	<ul style="list-style-type: none"> • Press Release • Council website • Newsletter
POSSIBLE WITNESSES	<ul style="list-style-type: none"> • Officers • Partner Agencies • Members
POSSIBLE SOURCES OF INFORMATION:	<ul style="list-style-type: none"> • Council Officers • Environment Agency • Partners • Data and reports • Site visits
SCRUTINY MEMBERS	Cheshire West & Chester Overview & Scrutiny Committee Members.
OFFICERS:	Kieran Collins & Andy Raynor
DEMOCRATIC SERVICES SUPPORT OFFICER:	Laura Bootland

Date: 31st January 2017