

ENVIRONMENT CAPITAL SCRUTINY COMMITTEE	Agenda Item No. 5
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**Report of Richard Wills, Executive Director, Lincolnshire County Council
Advisor to the LGA (Environment Strategic Core Group)**

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FLOODS & WATER MANAGEMENT BILL – the role for local authorities

1. PURPOSE

To advise the Environment Capital Scrutiny Committee on the Draft Floods & Water Bill and indicate Lincolnshire’s work to date. To give Committee members an early understanding on what the Councils new responsibilities will be and their possible implications.

2. RECOMMENDATIONS

To consider the impact of the Draft Floods and Water Bill on Peterborough City Council.

To identify an officer to work in partnership with others to address any flood risk issues which arise within the new Floods and Water Management Bill.

3. BACKGROUND

The Government’s intentions have been tabled as a draft Bill before it gets into the legislative programme in parliament. It may therefore not become law during the term of the present government.

Richard Wills has been acting as an advisor to the Local Government Association and has thus been involved in some engagement with DEFRA and the Environment Agency (EA). Local Government generally welcomes the Government’s response to Pitt Report. Amongst the issues that Richard has identified are:

- We do not really know how much money will be required to meet acceptable levels of flood defence so there is concern about the realism of “local authorities’ duties will be fully funded”;
- Local authorities are best placed to determine what is right for local people but we will need to work across boundaries and with others, such as the EA;
- Local authorities should determine policy and undertake commissioning but would not necessarily deliver everything. Internal Drainage Boards and Water Companies might be commissioned under commercial arrangements;
- IDBs would also be expected to be consulted about policy, strategy and commissioning. They may need to evolve into something slightly different to be fit for purpose;
- The Environment Agency should not be seen as only a creature of central Government. Local authorities ought to be able to commission the EA.

The EA and DEFRA appear to be trying to engage more with stakeholders and local government. There is definitely a different mood than there was 12 months ago.

Stakeholders probably need to recognize that the EA can only match their policy to the budgets they are given.

There are some risks of a public backlash if the EA and Natural England are perceived as using EU Directives and statutory duties to justify habitat creation at the expense of property and land. Laws can be changed and if people think that more money is spent on biodiversity than defending people and property, the biodiversity programmes themselves may be put in jeopardy.

4. KEY ISSUES

The Floods and Water Management Bill will give unitary and county councils a number of new powers and duties:

- Local Leadership
 - convening Local Flood Risk Management Group
- Surface Water Management Plans
- Flood Risk Management Work Programmes
- Investigate local flooding incidents
- Adopt & maintain SUDS

The Government, through DEFRA, have consistently said that there will be no net new financial burdens on local government. This is difficult to believe given that no one really knows what all the new powers and duties will cost.

Water is really bad at recognising local authority boundaries. Allocating a particular type of water (rain water, river water or sea water) to a particular organisation might not matter to citizens who have a lounge filled with any of those waters. Partnership working with other local authorities and other “water” organisations seems to be a pre-requisite.

5. IMPLICATIONS

There are too few appropriately skilled people available in the UK at present.

There is likely to be too little money.

Local Government could be held responsible.

6. EXPECTED OUTCOMES

- Greater awareness of the flood risk issues;
- Despite considerable financial uncertainties, that the new duties and powers are welcomed because it is in the best interest of local citizens to place them with local government rather than with central government;
- The Council recognises it will need to work in partnership with others;
- The Council will encourage and support its own officers.

7. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

1. Draft Flood and Water Management Bill, defra, April 2009
2. “The Pitt Report” – Learning Lessons from the 2007 Floods, Cabinet Office, June 2008
3. Government’s response to Sir Michael Pitt’s Review of the Summer 2007 floods, December 2008