

Response from Councillor Woodward to the recommendations put forward to him by the Economy Transport and Environment Select Committee, following their scrutiny of flood risk management. (May 2014)

Recommendation:

That the importance of the Hampshire County Council Member representatives on the Regional Flood and Coastal Committees is recognised, as an opportunity to champion Hampshire schemes when grant allocation is considered. That the appointed representatives be requested to provide feedback to the Select Committee on their experiences at RFCC meetings.

Response

Greater recognition is now being given to the importance of the three Regional Flood and Coastal Committees (RFCCs) which cover Hampshire and to the role Hampshire County Councillors have, as Hampshire's appointed representatives / links to those committees. Southern, Wessex and Thames RFCCs meet quarterly (January, April, July and October) with Thames often having an additional meeting in November. Further background information about the role of the RFCCs is attached.

In March 2014, the Executive Member for Economy, Transport and Environment appointed Councillor Keith Chapman to all three RFCCs (joining Councillor Ray Bolton on the Southern committee) thus providing Cabinet-level representation to each of the RFCCs and bringing a strategic approach to the work.

The County Council's representatives, supported by officers, are actively engaged in the work of the committees, including the approval of flood and coastal defence work programmes and the setting the local levy on Lead Local Flood Authorities, to which Hampshire County Council itself paid £603,647 in 2013/14.

The majority of funding decisions are determined by the Environment Agency's national criteria and, given the competing priorities represented on the RFCCs, including other Lead Local Flood Authorities and independent members appointed by the Environment Agency, there is limited scope to the influence our own representatives can bring to bear. However, it is vital they continue to press the case for Hampshire and seek to influence the RFCCs prioritisation process whenever possible.

The Executive Member has written to the County Council's appointed representatives, attaching a copy of the Select Committee's report and drawing their attention to this particular recommendation. He has asked that they provide an update to the Select Committee whenever relevant issues of significance to Hampshire are considered by the RFCCs.

Recommendation:

That as the Lead Local Flood Authority, the County Council seeks to establish an agreed Memorandum of Understanding for managing flood risk issues that involve multiple authorities, to agree all parties roles and responsibilities. Once agreed, it should publish the Memorandum of Understanding.

Response

The Committee, whilst its focus is on flood risk, may wish to note that the Local Resilience Forum has established a mechanism for dealing with flood emergencies and has put in place a multi-agency response plan. The County Council is now working to secure greater multi-agency collaboration and inter-operability across flood risk management authorities,

including with the Environment Agency and the water companies. This work is being embedded through the Hampshire Flood Risk Management Partnership Board and its Delivery Group. County Council officers will ask the Board to devise and approve an agreed memorandum of understanding / protocol for collaboration, to highlight and reinforce the commitment partners have to meeting the Flood and Water Management Act's duty to co-operate and to apply agreed principles in managing future flood risk.

Recommendation

That the County Council reviews its processes for monitoring ordinary watercourses and actions, including the use of enforcement powers, to improve the levels of maintenance carried out by riparian landowners in critical areas, and encourages the district councils to make proactive use of their permissive powers in relation to the maintenance of ordinary watercourses (as set out in the Flood and Water Management Act and the Land Drainage Act).

Response

The period between mid December and mid March highlighted once again the flood sources in Hampshire. The County Council instigated over 150 investigations, including four investigations under Section 19 of the Flood and Water Management Act.

In January 2014, the County Council's flood investigation process was reviewed in order to respond to the heightened demand for investigations into flood incidents. This has led to a more direct process to guide officers from instigation of an investigation, through a number of decision gates, to one of the following actions:

- Pass to the responsible authority for specific flood source
- Instigate Section 19 investigation (FAWMA 2010)
- Enforcement with land owners of ordinary watercourses requiring maintenance (enforcement to be taken by the County Council)
- Recommend actions to land owners where enforcement is not possible.

The enforcement process has also been streamlined so that it is now directly in line with the Land Drainage Act (1991). This involves a two stage process of i) writing to the land owner and, if the work is not completed, ii) serving notice which allows the County Council to carry out the work and recover costs from the land owners.

Concurrent to the investigation work, the County Council has provided parish councils with information about riparian ownership responsibilities as well as further information about flood risk management. There is now active engagement with some parishes which is being coordinated with the County Council's Emergency Planning team and the Environment Agency.

The Committee should be aware that the County Council does not have the resources to monitor ordinary watercourses. As explained above, the County Council carries out investigations and enforcement action as required. It has built up strong ties with the districts, the EA, some local parishes and a number of commercial organisations. Those ties, which continue to be developed, enable the County Council to monitor flood incidents and focus attention on areas of high flood risk and help ensure work is effectively allocated between the County Council and the Environment Agency.

Recommendation

That all County Councillors be alerted to the responsibilities of riparian owners, to champion in their areas.

Response

The Economy, Transport and Environment Department takes every opportunity to continually raise awareness about the need for riparian landowners to meet their responsibilities to main ordinary watercourses in order to reduce flood risk. This matter was raised at the recent Member Briefing session (April 2014), at County Council hosted parish events, as well as at the Flood Risk Management Scrutiny Session last year. Members are alive to the issues and the request that they help inform and influence riparian owners in their own communities, so that maintenance is actively encouraged and the need to take enforcement action is minimised.

Members have also been provided with leaflets and links to [web based information](#) on roles and responsibilities of riparian owners and the Ordinary Water Course Consenting procedure and application forms produced last year. The information has also been made available to parish councils, district councils and local flood forums. The County Council's Emergency Planning team help to disseminate the information when attending local community resilience planning/ flood forum events. In addition, the Ordinary Water Course Consenting Officer has face to face meetings with land owners and, although resource intensive, this helps to improve their understanding about their legal responsibilities.

As the majority of riparian land owners are 'private' land owners, the scale of the task is huge. The support County Councillors are able to provide by championing flood risk management in their own areas, by engaging community groups, parishes and the district authorities to help address poor or inadequate water course / ditch maintenance is hugely important. Their support, backed up by a hard-line on enforcement action when required, is needed in order to prevent avoidable floods occurring in the future.

Support from local County Councillors would be particularly appreciated in securing greater support from local district councils who, despite the Flood and Water Management Act, retain their permissive powers, under section 24 and 25 of the Land Drainage Act (1991), to "enforce the maintenance of watercourses free of impedance and remove unconsented obstructions to flow". The Committee will appreciate, given limited resources all round, the need for both the district council and the County Council to work together to help address poor maintenance of ordinary watercourses.

Recommendation

That all County Councillors be informed about the Flood Forum and the support it can provide to communities at risk of flooding to set up community-based flood action groups.

Response

The Chief Executive of the National Flood Forum sits on the Hampshire Flood Risk Management Partnership Board and the County Council will raise the subject of possibly co-hosting a briefing/ information session focused on the support the Forum can provide local communities in setting up a flood action group. This would be in addition to other events the Forum is hosting at different locations in Hampshire.

The Committee should also be aware that the County Council's Emergency Planning team is actively supporting communities in community resilience planning and the setting up of flood forums. This work is being undertaken in collaboration with a lead officer from Hampshire Fire and Rescue Service. In our role as Lead Local Flood Authority we are working closely with the EA to assess evidence from the 2013/14 floods to identify priorities communities and working with partners to develop a community engagement strategy.