

BRISTOL CITY COUNCIL

Place Scrutiny

20th September 2016

Report of: Barra Mac Ruairi, Strategic Director Place

Title: Local Flood Risk Management Strategy Update

Ward: Citywide

Officer Presenting Report: John Stevens, Flood Risk Officer

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RECOMMENDATION

Guidance is sought from Scrutiny members on the level of approval and communication required for the formal update of the BCC Local Flood Risk Management Strategy (LFRMS).

Summary

The LFRMS sets out our plan for managing flood risk in Bristol. A formally updated version of the Strategy is due in November 2016.

The significant issues in the report are:

- The BCC LFRMS was first adopted by Cabinet in November 2014. In order to register progress and ensure we are achieving the Objectives, Measures and Actions set out in the strategy, a monitoring and review procedure was established. The LFRMS had a requirement to be reviewed and updated after two years. Therefore, the report is due to be updated in November 2016

Policy

Under the Flood and Water Management Act 2010, Bristol City Council, as Lead Local Flood Authority (LLFA), has a statutory duty to maintain the Local Flood Risk Management Strategy. The LFRMS was adopted by the Cabinet on the 4th November 2014.

Consultation

1. Internal

Preparation of the initial LFRMS involved internal consultation with BCC colleagues in Highways, Strategic Planning, Sustainable City and Climate Change, Nature Conservation, Civil Protection Unit, Environment Team, Contaminated Land Officer, Public Relations, Neighbourhood Management, City Docks and Marine Services. These stakeholders will be requested to submit comments on the revised Strategy where modifications to their relevant fields of work apply.

2. External

The original LFRMS report was produced and adopted in 2014, following a period of public consultation, during which approximately 50 citizens responded.

Advice from our Communications and Marketing Team is that given the low number of consultation responses to the initial public consultation and the relatively minor updates/changes to the report, public consultation would not be needed. In addition, they advise that the update would not need Cabinet approval. This approach was agreed with the Transport Management Team.

Key stakeholders have been given notification and will be requested to provide comments on the proposed changes. Those notified include the other Risk Management Authorities operating in Bristol. Such as the Environment Agency, Lower Severn Internal Board and Wessex Water.

Context

Bristol is one of the top ten cities in the country at risk of flooding, with approximately 25,000 properties at risk from surface water flooding and 1,000 properties at risk from tidal flooding.

The LFRMS sets our vision for managing flood risk in Bristol together with our partner organisations that have a role in flood risk management (such as the Environment Agency and Wessex Water).

The relatively short timescale for formal review reflects the recognition of Bristol as a high risk area. It helps ensure that improved understanding of flood risk is regularly incorporated in to the Strategy. Importantly the Strategy is adjusted and updated to accommodate future plans In light of new information.

The main text of the LFRMS will not change significantly, except to reflect the fact that actions have put over 200 homes at a lower risk of flooding.

The formal update will need to include the removal of actions that have been

completed, an update on current actions and the addition of new actions. Along with this there are some other minor amendments to take place.

Proposal

It is thought the best approach is to avoid a full public consultation regarding the revised Strategy, due to the previous lack of response. The draft LFRMS update could instead be made readily available through the BCC website with an update on our work and successes and to give citizens the opportunity to comment.

It is not advised to present the LFRMS update at Neighbourhood Partnerships due to our previous experience of lack of engagement. However we will inform Neighbourhood Co-ordinators to include an update at the meetings.

We seek the ratification of the LFRMS by Place Scrutiny Commission prior to making the document publically available for comment.

Other Options Considered

No other options considered since producing and maintaining a LFRMS is a statutory duty.

Risk Assessment

The ongoing course of action is required to meet our statutory duty under the Flood and Water Management Act 2010. A full risk assessment has been prepared and is reviewed monthly as part of the Council's formal Performance, Programmes and Projects (PPP) reporting process. The key risk to delivery is a significant flood event causing a change of focus. It should be noted that in recent years, significant floods have occurred in other cities nationally e.g. Sheffield, Hull and locally in the West of England e.g. Somerset levels. In these locations and following the flooding, significant local and national attention and pressure has been placed on authorities to deliver projects that reduce the risk. Bristol has not been affected to the same degree but we are working proactively to reduce the risk of flooding before it occurs.

Public Sector Equality Duties

- 8a) Before making a decision, section 149 Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following "protected characteristics": age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:

- i) Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.
 - ii) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to --
 - remove or minimise disadvantage suffered by persons who share a relevant protected characteristic;
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons' disabilities);
 - encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
 - iii) Foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to –
 - tackle prejudice; and
 - promote understanding.
- 8b) A separate EqIA has been completed and approved by Peter Mann (Service Director, Transport) and Jane Hamill (Equalities Representative) for the LFRMS. Overall, the LFRMS is understood to have a low negative impact on equalities issues, and potential benefit to equalities groups as it identifies the communities at highest risk of flooding and advocates an approach for BCC and communities to manage the risk.

Legal and Resource Implications

Legal

The Council, through its elected Mayor and those he may delegate to act on his behalf, is the Lead Local Flood Authority (LLFA) and has a duty under the Flood and Water Management Act 2010 to develop, maintain, apply and monitor a Local Flood Risk Management Strategy (LFRMS).

The Mayor may arrange for decisions to be made on behalf of the LLFA by cabinet, by a cabinet committee, an individual executive member or an officer. Under current arrangements the Mayor has delegated decision making responsibility to the Strategic Director Place, except for

the making of key decisions for which he has retained sole responsibility.

Prior to the adoption of a LFRMS the LLFA must undertake a statutory consultation exercise with risk management authorities that may be affected by the strategy and the public.

Case law guides on what constitutes lawful consultation and in summary those who have been consulted must be provided with material upon which a decision is likely to be made, be given enough time for intelligent consideration of that material, be given the opportunity to make considered representations and have their representations conscientiously considered. The Council therefore needs to be satisfied that the consultation process has allowed sufficient time to enable any person or body wishing to make representations to obtain relevant material, to consider it and put their representations to the Council.

(Legal advice provided by Lynne Harvey/Lawyer – PT&R for Service Manager)

Financial

(a) Revenue

This report is an explanation of the strategy that Bristol will take forwards on flooding and therefore makes no specific call for revenue funding.

(b) Capital

Any schemes entered into by or on behalf of Bristol city Council will need to go through the normal process of demonstrating need and source of funding. As noted above, this report aims only to set out the Council's strategy in respect of flood risk and makes no specific request for funds.

(Financial advice provided by Mike Allen/Finance Business partner)

Land

Significant amounts of property could be adversely affected by flood risk, as considered by this Strategy and Action Plan. In general terms, flooding would interfere with use or occupation of any property affected. Those areas may suffer adverse impact in terms of property values, the ability to deliver development, availability of finance. The Council is a very major property owner and occupier. Flooding would materially interfere with use by the public and the Council of any affected property. It may also reduce the value of the Council's assets and increase property management costs.

Personnel

There are no HR implications arising as a result of the proposals.

(Personnel advice provided by Mark Williams, People Business Partner)

Appendices:

Appendix A – LFRMS Summary Report

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers:

None