

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Scrutiny and Overview Committee 30th April 2009
Contacts: Corporate Manager, Health & Environmental Services, Dale
Tel: Robinson, 01954 713229 / Health & Safety Advisor, Lawrence
Green, 01954 713241

Portfolio Holder: Cllr Ellington

IMPLICATIONS OF THE PITT REPORT

Purpose

1. To inform the Committee of the impact the Pitt Report will have on South Cambridgeshire District Council (SCDC) following the recommendations made by Sir Michael Pitt.

Options

2. None at this present time.

Background

3. The 2007 floods were the biggest civil emergency in British History. The resulting Pitt Report, commissioned by the Government, focused on the lessons learnt by all parties concerned.
 4. There are four guiding principles to the Pitt Report:
 - The needs of individuals and communities
 - Making change through strong leadership across the board
 - Improving clarity over who does what
 - The need to share information
- (a) The final report produced 92 overall recommendations apportioned as follows:
- **31** of these recommendations applied to the Government either alone or in conjunction with other agencies
 - **21** recommendations applied directly to local authorities or upper tier authorities (See Appendix 1)
 - **10** recommendations applied to the Environment Agency either alone or in conjunction with other agencies
 - **8** recommendations applied to Local Resilience Fora
 - **5** recommendations applied to the MET Office either alone or in conjunction with the Environment Agency.
- (b) The remaining **17** recommendations applied to Gold and Silver Groups, Regional Resilience Fora, the general public including – businesses, householders, individuals, insurance companies, utility companies, lead government departments, Defra or simply not attributed to any one agency or organisation.

- (c) Timescales for the implementation of the recommendations vary from “beginning immediately” to end of 2010.
- (d) Within the 21 recommendations for Local Authorities there are some that relate to District Councils specifically, whilst other recommendations would require either joint District & County approach or will be County Council specific. The attached appendix 1 details the level of Local Authority responsibility within the recommendations:
- (e) Recommendations 14 to 20 have been highlighted by the Government as areas where an enhanced local authority role will be required. The new legislation proposed as part of the Floods and Water Bill will outline the detail of the new responsibilities to be given to local authorities. County and Unitary authorities will be expected to take the lead roles in the new partnerships with District Councils, Internal Drainage Boards, Water and Sewerage undertakers and others as outlined in the Pitt report. The level of impact and the financial implications for the District Council have yet to emerge in detail but this is expected to be clarified in the draft Floods and Water Bill. An Initial view has been sought from Cambridgeshire County Council and the County’s Head of Strategic Planning has made the following initial comments:

“The County Council recognises the significant shift of responsibilities proposed for local authorities in general and particularly for the County Councils in certain aspects of flood related issues. Such as co-ordinating information on drainage and flood protection assets, emergency planning, surface water management plans; and adoption/maintenance of Sustainable Urban Drainage Systems (SUDS). As a generally low-lying County, with pressures for large-scale development, the County Council recognises that these are important issues requiring local leadership and co-ordination between all relevant agencies. However, before taking on a significantly enhanced role we would need to be assured that the statutory framework and regulations provide sufficient clarity of responsibility for the agencies concerned. Moreover we do consider that there will be a considerable additional burden, certainly on this authority, if we are to carry out these duties effectively in terms of staff, expertise, training, IT systems and finance. There is also a question of who bears responsibility for risks of failure in systems and processes. I am sure the same will be true for Districts as you will be expected to be partners in all the activities mentioned above, with or without local agreements. e.g. assisting in collecting, reviewing and updating information on drainage and flood defences; planning for emergency response, participating in the preparation of SWMPs (Surface Water Management Plans), including policies and planning conditions etc related to SUDs and checking systems installed within new developments and maybe agency work related to adoption and maintenance”.

Considerations

5. The Government has formally accepted the recommendations in the Pitt Report in a document entitled “The Government’s Response to Sir Michael Pitt’s Review of the Summer 2007 Floods” and is continuing to consider what aspects of the report will form part of any new legislation that could be introduced in the future. The recommendations touch on a wide range of issues and organisations, and it will take time to reach decisions within government and beyond on the scope and level of legislation required. However, it is highly likely that all or the majority of the recommendations will form the basis for future legislation. Many of the interim and

high priority conclusions, published earlier this year, are already underway and in a press release dated 25/6/08 the Secretary of State for the Environment, Hilary Benn announced the areas that he would allocate initial funding to, in light of Sir Michael Pitt's final report into the summer floods. The following link provides details of the Secretary of State's announcement:

<http://www.defra.gov.uk/corporate/ministers/statements/hb080625.htm>

6. The Secretary of State for the Environment, Food and Rural Affairs and the Minister for Local Government have recently written to ever Council Leader on the subject. A copy of their letter is included at Appendix 2. Within this letter reference is made to the expected roles for Local Authorities in flood risk management and the arrangements being put in place to implement and monitor the delivery of Sir Michael's recommendations. This includes monitoring the delivery of the action plan on a six monthly basis.
7. The Government has agreed with Sir Michael that local authorities should have a local leadership role for flood risk management, which includes ensuring that flood risk from all sources, including from surface run-off, groundwater and ordinary watercourses, is identified and managed as part of locally agreed work programmes. They have stated, within the letter attached, that Government want to leave it to 'local partners' to decide on how best to manage the different sources of flooding in their area. For example a County Council might want to arrange for a District Council to manage local drainage on their behalf.
8. The Secretary for State does not want to wait (See next steps Appendix 2) for the Floods and Water Bill. He advises that funding has been increased in the spending review for Local Authorities to take action in accordance with their future roles including:
 - Assessing and building on technical capacity and capabilities (Recommendation 19)
 - Starting to build the partnerships with all relevant local bodies
 - Ensuring that effective Strategic Flood Risk Assessments are in place
 - Setting in place arrangements for understanding and managing local flood risk from all sources
 - Developing Surface Water Management Plans in high priority areas where funding is available.

Implications

9.	Financial	The Pitt Review also sets out a "high level" assessment of costs and benefits against each recommendation across the country. All but one of the recommendations is represented as being of negligible or low cost to the public sector. However, the descriptor for "negligible" costs equates to less than £1m per year whilst low is equal to £1-£10m per year. No commitment is made to providing for or identifying funding for these additional resource requirements. With reference to local authorities 33% of the recommendations directly affecting them fall within the £1-£10mm per year bracket. One recommendation is defined as high additional cost (recommendation 19). Recommendation 12 has the potential to be a high additional cost. Alternatively if Members wished to implement
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	<p>Recommendation 12 then existing funding may have to be switched from other discretionary grant work which would have a serious detrimental impact upon other grant work such as replacement boilers.</p> <p>Finance has recently been made available to Defra for the introduction of a grants scheme to assist local authorities take positive action to protect properties within their districts. A document entitled "Government grants for household-level flood risk mitigation" has been issued, which details the scheme and how local authorities can apply for funding to identify and subsidise appropriate measures in areas where there is particularly frequent flooding. Bids for the first round of funding must be submitted by 17th March 2009. The Council will be bidding for a share of the initial £2 million that will be available as part of the first "pathfinder" round. There is also a further £3 million available in the autumn of 2009.</p>
Legal	Many of the recommendations may become statutory duties. However until the Government's intentions and scope of possible legislation is known, the legal implications cannot be finalised at this stage.
Staffing	None
Risk Management	The risks will become clearer as the legislation and discussion with partners progress.
Equal Opportunities	

Consultations

10. South Cambridgeshire District Council, along with the other Cambridgeshire District Councils has a Memorandum of Understanding agreement with Cambridgeshire County Council to ensure as Local Authorities; we fulfil our statutory obligations under emergency planning legislation. Therefore, the County Council will ensure that the majority of the Pitt Report recommendations that place actions/duties on local authorities will be met at a County level on behalf of all Cambridgeshire District Councils. There will also be a need to work closely with the Environment Agency, Defra, utilities providers and other local organisations where applicable.

Effect on Corporate Objectives and Service Priorities

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| <p>Work in partnership to manage growth to benefit everyone in South Cambridgeshire now and in the future</p> <p>The Pitt report and future legislation based upon this report will have implications for planning applications that will include the need to consider flood risk and protection for proposed developments in the district. Partnership arrangements between District, County and Unitary authorities will need to be forged as well as with other key bodies such as the Environment Agency.</p> |
| <p>Deliver high quality services that represent best value and are accessible to all our community</p> <p>Council services will need to respond to the new requirements as these become clear.</p> |
| <p>Enhance quality of life and build a sustainable South Cambridgeshire where everyone is proud to live and work</p> <p>Work required under the Pitt Report recommendations will contribute to the quality of life of residents in the South Cambridgeshire District who historically are susceptible to flooding or may be affected by flooding in the future.</p> |

Conclusions/Summary

12. Government approval has been given for the Pitt Review. The implications of the recommendations will place additional burden on the Council's resources although the County Council has had the majority of the duties from a Local Authority perspective. Even when SCDC is not the lead authority there may be implications for staff time.
13. Representation will be made to secure additional resources and an appropriate level of support from the County Council directly and via the Regional Resilience Forum. However, it is unclear how the County intends to deliver this in light of the re-structuring of its services that directly affects the Emergency Management Team. The County's Head of Risk Management has been asked to provide information on how the County will continue to support the districts at an appropriate level, not only in relation to the Pitt review, but in all aspects of Emergency Planning for which SCDC pays the County a proportion of its Government funding to ensure SCDC fulfils the duties placed upon local authorities under the Civil Contingencies Act.
14. Although the recommendations are not statutory requirements (to date) the Council would be ill advised to ignore them. Ministerial pressure to act upon the recommendations may well be applied in the future, where such recommendations are not made statutory by central government. There would also be pressure from partner agencies who are also subject to the recommendations e.g. Police, County Council, Environment Agency. Additionally, the Local Resilience Forum would require assurance or implementations of the recommendations, as it is also held accountable within the Review.

Options

15. Whilst it is recommended that consideration be given to the areas highlighted in the attached and prioritise resources to improve the Council's planning and response to flooding issues. Until the Government's decides which, if any of the recommendations will become statutory duties or whether further government funding would be available to assist in meeting such duties. It may be prudent to wait until this information is available to ensure resources are targeted in the most appropriate areas to meet any legislative requirements as a priority.
16. It is requested at this stage that Scrutiny Committee consider the content of this report. But also be aware of the additional future demands that will be placed upon resources to fulfil the Council's proposed obligations under any partnership arrangements and new legislation.

Background Papers: the following background papers were used in the preparation of this report: The Pitt Report.

Government grants for household-level flood risk mitigation.

The Government's Response to Sir Michael Pitt's Review of the Summer 2007 Floods.

Contact Officer: Lawrence Green – Council Safety Advisor, Telephone: (01954) 713241
Dale Robinson – Corporate Manager Health & Environmental Services

Portfolio Holder: Cllr SM Ellington – Environmental Services