

Open Report on behalf of David O'Connor, Assistant Chief Executive

Report to:	County Council
Date:	17 September 2010
Subject:	Establishment of a Flood and Drainage Management Scrutiny Committee

Summary:

This report seeks the approval of the County Council for the establishment of a Flood and Drainage Management Scrutiny Committee. This Committee is intended to undertake the scrutiny of new responsibilities that Lincolnshire County Council will have as a consequence of the introduction of the Flood and Water Management Act 2010.

Recommendations:

The County Council is requested to:

1. Approve the establishment of a Flood and Drainage Management Scrutiny Committee.
2. Agree that the Environmental Scrutiny Committee should undertake this role with the additional membership of one nominated non-executive councillor from each of Lincolnshire's seven district councils.
3. Agree that the Council adopts a scheme under paragraphs 12-14 of Schedule 1 of the Local Government Act 2000 and that the Constitution be amended with the inclusion of Appendices A and B to this report.

1. Background

Overview

On 8 April 2010 the Flood and Water Management Act 2010 became law. The Act gives the Environment Agency responsibility for national overview and leadership on flood and coastal erosion risk management. As lead local flood authorities, county and unitary councils are responsible for local leadership to ensure an integrated approach to flood risk management between themselves, district councils, internal drainage boards, water companies and the Environment Agency.

In Lincolnshire the County Council has worked closely with its partners to develop a Partnership Framework that will enable effective implementation of these new

arrangements. The Framework has been created through a succession of dialogues and workshops with all partner organisations and adoption of the Partnership Framework across the County is nearing completion.

Following adoption of the Partnership Framework, partnership groups will be convened so that detailed arrangements for delivery, resourcing and governance can be implemented by October 2010. It is anticipated that any new scrutiny arrangements that are required should be in place by this time.

Scrutiny Responsibilities

Overview and Scrutiny will have an important role to play in monitoring the successful implementation and performance of these new responsibilities. In support of this role, the Act calls upon partner organisations with responsibilities in flood risk management to comply with requests from Overview and Scrutiny for information and responses to reports. Partners must also have regard to the committee's reports and recommendations.

While each local authority may make arrangements to ensure appropriate internal controls and scrutiny over their own flood risk management resource, it is anticipated that some additional joint scrutiny arrangements between the County Council and its district neighbours will provide scrutiny with an even stronger voice and avoid unnecessary duplication.

Informal Workshop – 28 June 2010

An informal workshop meeting took place on 28 June 2010 at the County Council's Offices in Lincoln to consider future scrutiny arrangements in more detail. Members of the County Council's Environmental Scrutiny Committee attended along with councillor and officer representatives from six of the seven district councils in Lincolnshire.

The meeting considered the future role for scrutiny and it was suggested that the County Council's Environmental Scrutiny Committee should take on the role of scrutinising these new responsibilities on behalf of the County Council and that this Committee should sit from time to time as the Council's Flood and Drainage Management Scrutiny Committee. It was also suggested that a representative from each of the district councils should also be invited to sit on the Flood and Drainage Management Scrutiny Committee.

It was recognised that members of the Environmental Scrutiny Committee had both expertise and enthusiasm in relation to the scrutiny of flooding and drainage management issues and that utilising an existing committee for this purpose would be the most efficient way forward. All those present supported this approach and it was agreed to refer this suggestion to a formal meeting of the Environmental Scrutiny Committee for further consideration.

Meeting of the County Council's Environmental Scrutiny Committee – 9 July 2010

The Environmental Scrutiny Committee met on 9 July 2010 and supported the approach outlined above for the Committee to sit as required as the County Council's Flood and Drainage Management Scrutiny Committee together with one nominated non-executive councillor from each district council. The Committee agreed Terms of Reference and these are outlined in Appendix A to this report. The establishment of this new Committee was recommended to the Council's Overview and Scrutiny Management Committee.

Meeting of the County Council's Overview and Scrutiny Management Committee – 29 July 2010

The Council's Overview and Scrutiny Management Committee met on 29 July 2010 and endorsed the proposal made by the Environmental Scrutiny Committee regarding the establishment of a new Flood and Drainage Management Scrutiny Committee. It was agreed that the County Council should be invited to consider this proposal at its next meeting.

Adoption of a Scheme under the Local Government Act 2000

To allow the seven co-opted district councillors to have full voting rights on the Flood and Drainage Management Scrutiny Committee, there would be a requirement for the Council to adopt a scheme under paragraphs 12-14 of Schedule 1 of the Local Government Act 2000. It is therefore proposed that the Council adopts the scheme at Appendix B of this report, and agrees to its inclusion in Article 6 of the Council's Constitution.

2. Conclusion

Establishing a new Flood and Drainage Management Scrutiny Committee will allow non-executive members of the County Council and the seven district councils in Lincolnshire to work together to scrutinise new flood and drainage management responsibilities and ensure these are carried out to the best possible effect for the people of Lincolnshire.

3. Legal Comments:

The recommendations for creation of a Flood and Drainage Management Scrutiny Committee with co-opted non executive district councillors and the adoption of a scheme in accordance with paragraphs 12-14 of the Local Government Act 2000 are lawful and within the remit of the Council. The adoption of the scheme will require publication of a notice recording the making of the scheme.

4. Resource Comments:

This report proposes the establishment of a new Flood and Drainage Management Scrutiny Committee and as such does not commit the Council to

any direct expenditure other than a small potential increase in administration costs should the committee have additional meetings over and above those already arranged for the Environmental Scrutiny Committee. This expenditure will be funded from the existing Chief Executive revenue budget.

5. Consultation

a) Has Local Member Been Consulted?

n/a

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

The proposal to establish a new Flood and Drainage Management Scrutiny Committee was recommended by the Environmental Scrutiny Committee at its meeting on 9 July 2010 and by the Council's Overview and Scrutiny Management Committee at its meeting on 29 July 2010.

d) Policy Proofing Actions Required

Not applicable.

6. Appendices

These are listed below and attached at the back of the report	
Appendix A	Proposed Amendment to the Council's Constitution
Appendix B	Flood and Drainage Management Scrutiny Committee Co-option Scheme

7. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

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