

Policy and Scrutiny

Open Report on behalf of Richard Wills, Executive Director for Economy and Environment

Report to:	Flood and Drainage Management Scrutiny Committee
Date:	4 September 2015
Subject:	Investigations undertaken under Section 19 of the Flood and Water Management Act 2010

Summary:

This is a standing item to inform the Committee on the position of all current Section 19 investigations in the County.

Actions Required:

The Committee is asked to consider the current Section 19 spreadsheets at Appendix A and inform the Scrutiny Officer in advance if they wish to raise any particular site(s) at the forthcoming Committee.

The spreadsheets are also able to be viewed at the following link - <http://www.lincolnshire.gov.uk/residents/environment-and-planning/flood-risk-management/flood-investigations/117780.article>

1. Background

Following a previous meeting of the Committee, the Section 19 spreadsheets have been simplified by separating those completed and those currently in progress; also they have been categorised into highway areas as opposed to divisional areas. For the purposes of the Committee and to simplify scrutiny, only the sites where investigations have not yet been completed are reported (Appendix A). However, details of all completed Section 19 investigations can be viewed on the website above.

As part of the County Council's duties as Lead Local Flood Authority, we are required to carry out investigations into flooding incidents, from any source, under Section 19 of the Flood and Water Management Act. Section 19 requires that we carry out investigations "to the extent that we consider necessary or appropriate" and the Guiding Principles Note outlines the criterion where formal investigations will be undertaken, the main one being where internal property flooding has taken place.

We are then required to publish the results of the investigations, in particular identifying which Risk Management Authorities (e.g. ourselves, district councils, the Environment Agency, water companies and internal drainage boards) have responsibilities and whether they are to exercise their functions.

2. Results of Section 19 investigations and publishing in accordance with the Flood and Water Management Act

In order to satisfy Section 19 of the Flood and Water Management Act the County Council as Lead Local Flood Authority has a duty to investigate flooding (to the extent that it considers it necessary), determine which risk management authorities have responsibility and if they are going to exercise their functions, then publish the results. Section 19 of the Flood and Water Management Act states:

Section 19 – Local authorities: investigations

- (1) *On becoming aware of a flood in its area, a lead local flood authority must, to the extent that it considers it necessary or appropriate, investigate-*
 - (a) *which risk management authorities have relevant flood risk management functions, and*
 - (b) *whether each of those risk management authorities has exercised, or is proposing to exercise, those functions in response to the flood.*
- (2) *Where an authority carries out an investigation under subsection (1) it must-*
 - (a) *publish the results of its investigations, and*
 - (b) *notify any relevant risk management authorities.*

3. Conclusion

Members are asked to consider the summary of the reports into flooding, carried out under Section 19 of the Flood and Water Management Act, at Appendix A and to notify the Scrutiny Officer in advance of the meeting if they wish to raise any particular site(s) at the meeting.

4. Appendices

These are listed below and attached at the back of the report	
Appendix A	Spreadsheets summarising investigations under Section 19 of the Flood and Water Management Act in Lincolnshire

5. 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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