

AGENDA ITEM 5
CS/12/09

Committee	Central Services Policy and Scrutiny Committee	
Date:	21 September 2009	

Flood and Water Management Bill Consultation

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The Committee is invited to note the attached response to the Joint Task and Finish Group recommendations by the Cabinet Member, Councillor Tracey Chapman.

Scrutiny Recommendations: Draft Flood and Water Management Bill consultation

The following recommendations were made by the ECC Scrutiny Panel on 22nd July 2009 in relation to the draft Flood and Water Management Bill consultation response. All recommendations were accepted and subsequent alterations were made to ECC's response. The response and amendments are set out in Table 1 below.

Table 1: Response to Scrutiny recommendations

Scrutiny Recommendation	Response	Amendments/ Rationale
<p>1. Their concerns at the lack of clarity in respect of:</p> <p>a) The responsibilities of and relationship between the Environment Agency, County Council and District/Borough Councils.</p> <p>b) How the new responsibilities within the Bill are to be funded and in particular their concern that during a time when public finances are forecast to be under severe pressures local authorities could be given additional responsibilities and risks which will simply make them accountable for future problems whilst increasing pressures on other service budgets.</p> <p>c) The ability of councillors and members of the public to identify the classification of water courses by easily available maps and information.</p>	<p>Accepted</p> <p>Accepted</p> <p>Accepted</p>	<p>Letter point 1, answers 14, 24 and 47</p> <p>Letter point 4, answers 24, 25, 39, 47, 57, 62 and 71</p> <p>Answer 23</p>
<p>2. Their support for the return to a County based Flood Defence Committee which would provide for greater local democratic accountability and</p> <ul style="list-style-type: none"> • Incorporate both Southend and Thurrock unitary authorities • Include district/borough councils, water companies and land owners • Provide for cross border membership 	Accepted	Letter point 5, answers 33, 55, 57, 58 and 60
<p>3. Their support for the suggested response in respect of Sustainable Urban Drainage Systems and the need for clear definitions and powers to encourage sustainable development; but are disappointed that other opportunities have not been grasped to provide a comprehensive local approach to sustainability issues.</p>	Accepted	Answers 12, 44 and 50
<p>4. The need for the Environment Agency to adopt a pragmatic, timely and consistent approach at all levels to planning applications.</p>	Accepted	Letter point 2
<p>5. The absence within the Bill of clear arrangements for ensuring landowners meet their drainage obligations and supported in so doing, possibly by the reintroduction of Internal</p>	Accepted	Answer 78

Scrutiny Recommendation	Response	Amendments/ Rationale
Drainage Boards.		
6. The need for a flexible framework which enables local solutions to be developed to deal with local issues.	Accepted	Letter point 2, answers 9, 15, 16 and 48
7. Assurances given by the Cabinet Member that ECC's response to question 20 will not support the proposals to give the Secretary of State reserve powers of direction unless these could be challenged in the Courts	Accepted	Answer 20
8. The need for a Liaison Officer to be appointed to assist in communication and joined up working between the Anglian and Thames Environment Agency Regional Offices.	Accepted	Answer 15
9. The wealth of experience of ECC officers which should be offered to the appropriate Parliamentary Committee to support their in-depth review of the Bill.	Accepted	Letter – final paragraph
10. The need to re-draft the response to question 61 to reflect the need for: <ul style="list-style-type: none"> Water supply and sewage companies to be involved with the county based flood defence committees recommended in the County Council's submission. Clear responsibilities to be given to water companies to resolve flood risks associated with both water supply and sewage infrastructure, and a means of dealing with default. 	Accepted	Answer 61
11. The need for the Bill to treat different types of reservoirs differently e.g. The Reservoirs Act 1975 applies both to water supply reservoirs which are full 75% of the time, and storm water retention reservoirs which will be full perhaps only once every ten years.	Accepted	Answer 81
12. Their concerns that the provisions in the Bill should not be seen as a charter for district councils to increase build in urban areas without consideration to the impact on the whole catchment area.	Accepted	Answer 43
13. Some of the responses would benefit from being simplified and wherever possible starting with a yes or no answer.	Accepted	Where appropriate