

WIRRAL COUNCIL

CABINET 13 OCTOBER 2011

SUBJECT:	THE CHANGING ROLE OF THE REGIONAL FLOOD AND COASTAL COMMITTEE (RFCC)
WARD/S AFFECTED:	ALL
REPORT OF:	DIRECTOR OF TECHNICAL SERVICES / STRATEGIC CHANGE PROGRAMME
RESPONSIBLE PORTFOLIO HOLDER:	COUNCILLOR HARRY SMITH STREETSCENE AND TRANSPORT SERVICES
KEY DECISION?	NO

1.0 EXECUTIVE SUMMARY

- 1.1 The Flood & Water Management Act 2010 extended the role of the Regional Flood Defence Committee (RFDC) to include governance over all flood and coastal erosion risk and in doing so it renamed it the Regional Flood and Coastal Committee (RFCC).
- 1.2 RFCC has a key role in co-ordinating the delivery of flood risk management activities across the northwest. In the future it is intended that RFCC will receive levy money from all Councils which will be available to spend on flood risk from all sources (main river, tide, ordinary water courses, surface water and ground water) as well as coastal erosion; ie it will be available to the Environment Agency and Lead Local Flood Authorities.
- 1.3 This report details proposals in relation to the development of the role of the RFCC.

2.0 RECOMMENDATIONS

- 2.1 Cabinet is recommended to confirm its support for the changes to RFCC and approve the Terms of Reference for the Merseyside Flood and Coastal Risk Partnership set out Appendix 2 to this report.
- 2.2 Cabinet is recommended to approve the appointment of the Cabinet Member for Streetscene and Transport Services and the Chair of the Sustainable Communities O&S Committee as the representatives of Wirral Council (the Lead Local Flood Authority) to the Merseyside Flood and Coastal Risk Partnership, and that the Partnership continue to be supported by the Council's Health, Safety & Resilience Section.

- 2.3 Cabinet is recommended to delegate to the Cabinet Member for Streetscene and Transport Services the power to make minor amendments to the Terms of Reference of the Merseyside Flood and Coastal Risk Partnership (set out at Appendix 2) as are considered appropriate to ensure the effective operation of the Partnership.

3.0 INTRODUCTION

- 3.1 The Flood and Water Management Act 2010 extended the role of the Regional Flood Defence Committee (RFDC) to include governance over all flood and coastal erosion risk and in doing so it renamed it the Regional Flood and Coastal Committee (RFCC). The current chair of RFCC is Councillor Antrobus of Salford Council.
- 3.2 In the past the RFDC received levy money from all councils and agreed the Environment Agency's (EA) annual work programme for spending this money on Main River and tidal defences. Two advisory panels sat under RFDC (one for EA North Area and one for EA South Area). Representatives (officers and Members) from all Councils were welcome to attend the advisory panels. The South Area included Greater Manchester, Cheshire and Merseyside. Two Elected Members represented Merseyside on RFCC (Councillors Ken Keith of Knowsley Council and Peter Papworth of Sefton Council).
- 3.3 RFCC has a role in co-ordinating the delivery of flood risk management activities in the northwest. This covers not just the EA but also Lead Local Flood Authorities (LLFA) responsibilities. It has been suggested that the RFCC structure changes to have five subgroups and the Merseyside subgroup, named the 'Merseyside Flood Risk Partnership' will consist of Liverpool, Sefton, Knowsley and Wirral (St Helens and Halton will be part of Cheshire). Merseyside will have two Members on RFCC (out of a total of 10 across the northwest). In the future RFCC will continue to receive levy money from all Councils and it is the government's intention that this money will be available to spend on flood risk from all sources (main river, tide, ordinary water courses, surface water and ground water) as well as coastal erosion; i.e. it will be available to EA and LLFA's.
- 3.4 RFCCs will play an important role in guiding the flood and coastal erosion risk management activities in their region. They will provide a vital link between national policy and local delivery through assisting Lead Local Flood Authorities (LLFAs) in their development of local flood risk management strategies.
- 3.5 The Authorities that will form the Merseyside Flood and Coastal Risk Partnership met on 2 August 2011 and the notes from that meeting are detailed in **Appendix 1**.
- 3.6 The proposed terms of reference for the Merseyside Flood and Coastal Risk Partnership are set out in **Appendix 2**.
- 3.7 The recommended Elected Members for Wirral are the Cabinet Member for Streetscene and Transport Services (Councillor H Smith), and the Chair of the Sustainable Communities O&S Committee (Councillor J Hale). The

Council's Health, Safety & Resilience Operations Manager who currently chairs the Wirral Flood & Water Management Partnership, will support them.

4.0 BACKGROUND AND KEY ISSUES

4.1 The Flood & Water Management Act 2010 and the Flood Risk Regulations 2009 established Wirral Council as a Lead Local Flood Authority (LLFA). LLFAs are required to lead the strategic management of local flood risk (arising from surface water, groundwater and ordinary watercourses). This new role is being directed through the Flood & Water Management Partnership, the Sustainable Communities Overview & Scrutiny Committee and finally through Cabinet for approval of any recommendations.

5.0 RELEVANT RISKS

5.1 Wirral faces a significant risk of flooding with a substantial number of domestic properties identified as at risk from potential future flooding. The proposed changes concerning the RFCC will enable Wirral Council to continue to influence the allocation of future flood risk funding thereby helping to mitigate identified flood risks.

6.0 OTHER OPTIONS CONSIDERED

6.1 Not relevant.

7.0 CONSULTATION

7.1 There is no consultation required as a result of this work.

8.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

8.1 Flooding affects all voluntary, community and faith groups whether it be directly with their properties being flooded, or in a responder or recovery capacity.

9.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

9.1 The Council currently pays an annual levy to the Regional Flood Defence Committee. In 2010/11 the levy was set at £157,700, which is entirely funded, from the Council's Revenue Support Grant (RSG). From 2012 onward the levy will be paid to the Regional Flood and Coastal Committee and the discussions to set the levy for 2012 will begin in October 2011.

10.0 LEGAL IMPLICATIONS

10.1 The legal implications are set out in the main body of the report.

11.0 EQUALITIES IMPLICATIONS

11.1 There are no Equalities implications.

12.0 CARBON REDUCTION IMPLICATIONS

12.1 There are no specific carbon reduction implications although there are significant links with carbon reduction and sea level rises, increases in

extreme weather patterns, etc. As a result the Council's Climate Change Officer is a member of the Wirral Flood and Water Management Partnership.

13.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

13.1 There are no planning implications in relation to this report.

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APPENDICES

- Appendix 1** - Notes from the meeting on 2 Aug 2011 of the Authorities that will form the Merseyside Partnership.
- Appendix 2** - Draft Terms of Reference for Merseyside Flood & Coastal Risk Partnership.

REFERENCE MATERIAL

- The Flood & Water Management Act 2010
http://www.legislation.gov.uk/ukpga/2010/29/pdfs/ukpga_20100029_en.pdf
- The Flood & Water Management Act explanatory notes
<http://www.legislation.gov.uk/ukpga/2010/29/notes/contents>
- The Flood Risk Regulations 2009
<http://www.legislation.gov.uk/uksi/2009/3042/contents/made>
- What does the Flood & Water Management Act mean for Local Authorities, Defra.
<http://www.defra.gov.uk/environment/flooding/documents/policy/fwmb/fwma-lafactsheet.pdf>

Council Meeting	Date
Cabinet (Minute 354)	17 March 2011
Cabinet (Minute 84)	21 July 2011

APPENDIX 1

Minutes from Meeting of Members and Directors to discuss the Regional Flood & Coastal Committee (RFCC) and proposals for establishing a Merseyside Sub Group (Merseyside Flood Risk Partnership)

2 AUG 2011

Attendees:

Cllr Ken Keith	RFCC member (Knowsley)		
Cllr Peter Papworth	RFCC member (Sefton)		
Cllr David Lonergan	Knowsley	Lisa Harris	Knowsley
Cllr Tim Beaumont	Liverpool	Jayne Hettle	Liverpool
Cllr Simon Shaw	Sefton	Graham Lymbery	Sefton
Cllr Harry Smith	Wirral	Shaun Brady	Wirral
Mark Garratt	EA	Ben Lukey	EA
Claire Bursnoll	Merseyside Authorities		

1) RFDC/RFCC Past and Future

- a) Mark Garratt and Ben Lukey summarised the role of RFDC in past and the proposed structure for RFCC in future. Examples were given of where local levy has been used to provide infrastructure and to do preliminary studies to pull in capital grant and external contributions.
 - i) Summary: The Flood and Water Management Act extended the role of the Regional Flood Defence Committee (RFDC) to include governance over all flood and coastal erosion risk, in doing so it renamed it the Regional Flood and Coastal Committee (RFCC). The current chair of RFCC is Cllr Derek Antrobus of Salford.
 - ii) In the past the RFDC received levy money from all councils and agreed the Environment Agency's (EA) annual work programme for spending this money on Main River and tidal defences. Two advisory panels sat under RFDC (one for EA north area and one for EA south area). Representatives (officers and members) from all Councils were welcome to attend the advisory panels. The South Area included Greater Manchester, Cheshire and Merseyside. 1.5 elected members represented Merseyside on RFCC (Cllr Ken Keith: Knowsley and Cllr Peter Papworth: Sefton).
 - iii) RFCC has a role in co-ordinating the delivery of flood risk management activities in the northwest. This covers not just the EA but also Lead Local Flood Authorities (LLFA) responsibilities. To ensure appropriate representation in this new role, Cllr Antrobus has suggested that the RFCC structure changes to have 5 subgroups. The Merseyside sub group, named the 'Merseyside Flood Risk Partnership' will consist of Liverpool, Sefton, Knowsley and Wirral (St Helens and Halton will go in Cheshire as they are hydraulically linked). Merseyside will have two members on RFCC (out of a total of 10 across the northwest). In the future RFCC will continue to receive levy money from all councils. It is the governments intension that this money will be available to spend on flood risk from all sources (Main River, tide, Ordinary Water Courses, surface water and ground water) as well as coastal erosion; ie it will be available to EA and LLFA's.
- b) Action: CB to write to Peter Fay (virtual secretariat to Liverpool City

Region Cabinet (LCRC)) to update cabinet on revised role of RFCC.	CB
<p>2) RFCC Merseyside Members</p> <ul style="list-style-type: none"> a) The City Region Cabinet decides which Local Authorities represent Merseyside on RFCC. The nominated Local Authority then decide which Member will fill the role. b) The standard term is 4 years, though this can be changed if circumstances require it. Members can only serve a maximum of 10 consecutive years. c) Cllr Lonergan proposed that Cllr Keith and Cllr Papworth continue in their role for current term. This was agreed. d) It was suggested that deputies are also appointed so there is some contingency should a RFCC member not be able to attend. It was agreed that the deputies could come from the councils not currently represented at RFCC. CB to write to Peter Fay to suggest to LCRC. e) In future it is asked that RFCC members circulate RFCC agenda items and minutes to all in Merseyside Partnership. 	<p>CB</p> <p>KK/PP</p>
<p>3) Merseyside Partnership Arrangements</p> <ul style="list-style-type: none"> a) To gain insight and understanding of RFCC it was agreed that Partnership meetings would be arranged close to the RFCC meetings. The first meeting to be before RFCC, after the agenda has been released (early Oct). b) The RFDC sub groups met twice yearly at times critical to levy setting (November) and agreeing capital programme (June). It was suggested that these timings are maintained in future years (to be agreed at future meeting). c) Attendees agreed that the invitees to this meeting were the appropriate people to form the Partnership. d) It was agreed that there would be 2 elected members from each council (Maximum of 12 council representatives; 2 elected members and 1 senior officer from each Authority). e) Elected members will make any required decisions. f) It was agreed that United Utilities and the Environment Agency should also be invited to sit on the Partnership. g) It was agreed that advisors' could be invited as required; these would be co-ordinated through the host council. h) The host for the partnership will rotate on an annual basis. Wirral have agreed to host the first year of the Partnership (starting October 2011). i) Suggestions for discussion at next meeting: RFCC agenda, how Partnership enhances LLFA duties, Local Flood Risk Strategies. j) It was suggested that a term of reference for the partnership be drawn up to include role, members, deputies and Term of Office (CB to draft). k) The primary role of the Partnership is to enable open discussion and ensure fair and strong representation for Merseyside on RFCC. 	
<p>4) Summary</p> <ul style="list-style-type: none"> a) A report will be produced and sent to City Region Cabinet to update them on RFCC changes. (CB to coordinate) b) Proposed that the Partnership will meet 4 times a year in advance of RFCC. c) CB to clarify with Peter Fay how RFCC links to Merseyside Cabinet. d) The partnership host Authority will change annually. Wirral will host the first year. e) The Partnership will be formed from; 2 elected members and 1 senior manage per council, UU representative, EA representative. f) Terms of reference to be drafted (role, membership, RFCC members and deputies, term of office). 	<p>CB</p> <p>CB</p> <p>CB</p>

APPENDIX 2

Draft Terms of Reference for Merseyside Flood and Coastal Risk Partnership

1. Role of Merseyside Flood Risk Partnership

To enable open discussion and ensure fair and strong representation on the Regional Flood and Coastal Committee.

2. Membership

2 elected Members per Lead Local Flood Authority (to include RFCC members)
1 senior officer per Lead Local Flood Authority
1 representative from the Environment Agency
1 representative from United Utilities

3. Organisation

- 1) Meet minimum twice yearly at times critical to levy setting (November) and agreeing capital programme (June)
- 2) Meetings will be within 2 weeks of RFCC meetings.
- 3) Host Authority will change annually. Wirral will host from OCT 2011- OCT 2012.
- 4) Host Authority will prepare agenda, chair and minute the meetings.
- 5) Experts can be invited to meetings were the appropriate. Invitees shall be co-ordinated through the Host.

4) RFCC Members

- a) Serve a standard term of 4 years. This can be changed if circumstances require it.
- b) Serve a maximum of 10 consecutive years.
- c) There shall be 2 deputies from the Authorities not who do not have RFCC members.

5) Current RFCC Members (as at August 2011)

Cllr Ken Keith (Knowsley) 4 year term July 2008 - July 2012
Cllr Peter Papworth (Sefton) 4 year term January 2009 - January 2013