

Lancashire County Council

External Scrutiny Committee

Monday, 4th June, 2018 at 10.30 am in County Hall, Preston

Agenda

Part I (Open to Press and Public)

No.	Item	
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1.	Apologies	
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2.	Constitution: Membership; Chair and Deputy Chair; and Terms of Reference of the External Scrutiny Committee	(Pages 1 - 8)
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3.	Disclosure of Pecuniary and Non-Pecuniary Interests	
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Members are asked to consider any Pecuniary and Non-Pecuniary Interests they may have to disclose to the meeting in relation to matters under consideration on the Agenda.

4.	Minutes of the Meetings held on 6 March 2018 and 10 October 2017	(Pages 9 - 18)
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5.	Flood Risk Management Partnership working	(Pages 19 - 40)
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6.	External Scrutiny Committee Work Programme 2018/19	(Pages 41 - 46)
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7.	Urgent Business	
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An item of urgent business may only be considered under this heading where, by reason of special circumstances to be recorded in the Minutes, the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency. Wherever possible, the Chief Executive should be given advance warning of any Member's intention to raise a matter under this heading.

8. Date of Next Meeting and Future Meetings

The next meeting of the External Scrutiny Committee is currently scheduled to be held on Tuesday 17 July 2018 at 10.30am at County Hall, Preston.

Future meetings of the Committee for 2018/19 municipal year are as follows:

- 16 October;
- 22 January 2019; and
- 16 April.

All meetings will commence at 10:30am.

County Hall
Preston

L Sales
Director of Corporate Services

External Scrutiny Committee

Meeting to be held on Monday, 4 June 2018

Electoral Division affected: None;

Constitution: Membership; Chair and Deputy Chair; and Terms of Reference of the External Scrutiny Committee

(Appendix 'A' refers)

Contact for further information:

Gary Halsall, Tel: (01772) 536989, Senior Democratic Services Officer,

gary.halsall@lancashire.gov.uk

Executive Summary

This report sets out the constitution, membership, chair and deputy chair and terms of reference of the External Scrutiny Committee for the municipal year 2018/19.

Recommendation

The Committee is asked to note:

- i. The appointment of County Councillors Ed Nash psc and David Stansfield as Chair and Deputy Chair of the Committee for the remainder of the 2018/19 municipal year;
- ii. the Membership of the Committee following the County Council's Annual Meeting on 24 May 2018; and
- iii. the Terms of Reference of the Committee.

Background and Advice

The County Council at its meeting on the 24 May 2018, approved the constitution of the External Scrutiny Committee as being 12 members on the basis of 7 from the Conservative group 4 from the Labour group, and 1 from either Liberal Democrat or Independent groups. The following members were appointed by their respective groups:

County Councillors (12):

A Ali	L Oades
A Cheetham	G Oliver
C Crompton	J Rear
D Foxcroft	J Shedwick
T Martin	D Stansfield
E Nash psc	C Towneley

The Committee's Terms of Reference are set out at Appendix 'A'.

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Risk management

There are no risk management implications arising from this item.

Local Government (Access to Information) Act 1985 List of Background Papers

Paper	Date	Contact/Tel
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N/A

Reason for inclusion in Part II, if appropriate

N/A

Part 2 – Article 5 (Overview and Scrutiny)

The council has established the following Overview and Scrutiny Committees:

Committee	Responsibility	Membership
Internal Scrutiny Committee	Review and Scrutinise decisions, actions and work of the Council	12 County Councillors
Health Scrutiny Committee	Statutory responsibility for scrutiny of adult and universal health services	12 County Councillors, plus 12 non-voting co-opted members, nominated by the 12 district councils
Children's Services Scrutiny Committee	Review and scrutinise children and young people's services including the statutory powers of a scrutiny committee as they relate to the NHS.	12 County Councillors, one non-voting co-opted youth council representative, and five non-voting district council members with one member being nominated by each Children's Partnership Board
Education Scrutiny Committee	Review and scrutinise issues around education services provided by the council including those education functions of a Children's Services authority.	16 County Councillors and 5 co-optees, (comprising three Church representatives and two parent governor representatives) who shall have voting rights in relation to any education functions which are the responsibility of the Executive
External Scrutiny Committee	Review and scrutinise issues, services and activities carried out by external organisations	12 County Councillors

All Overview and Scrutiny Committees have the following Terms of Reference:

1. To review decisions made, or other action taken, in connection with the discharge of any functions which are undertaken by the Cabinet collectively, or in the case of urgent decisions which cannot await a Cabinet meeting by the Leader of the Council (or in his/her absence

**(Approved and last updated under the Council's Urgent Business Procedure on behalf of the Urgency Committee, 20 June 2017
Owner – Chris Mather)**

the Deputy Leader) and the relevant Cabinet Member, or Cabinet committees.

2. To make reports or recommendations to the Full Council, the Cabinet, the Leader, Deputy Leader or other Cabinet Members as necessary or Cabinet committees with respect to the discharge of any functions which are undertaken by them or in respect of any functions which are not the responsibility of the Cabinet.
3. To hold general policy reviews and to assist in the development of future policies and strategies (whether requested by the Full Council or the Cabinet, individual Cabinet members, Cabinet committees, or decided by the Committee itself) and, after consulting with any appropriate interested parties, to make recommendations to the Cabinet, individual Cabinet members, Cabinet committees, Full Council or external organisations as appropriate.
4. To consider any matter brought to it following a request by a County Councillor or a Co-optee of the Committee who wishes the issue to be considered.
5. To consider requests for "Call In" in accordance with the Procedural Standing Orders – Overview and Scrutiny Rules at Appendix C – Appendix 3 of the Constitution
6. To request a report by the Cabinet to Full Council where a decision which was not treated as being a key decision has been made and the Overview and Scrutiny Committee is of the opinion that the decision should have been treated as a key decision
7. To request the Internal Scrutiny Committee to establish task groups and other working groups and panels as necessary.
8. To request that the Internal Scrutiny Committee establish as necessary joint working arrangements with district councils and other neighbouring authorities
9. To invite to any meeting of the Committee and permit to participate in discussion and debate, but not to vote, any person not a County Councillor whom the Committee considers would assist it in carrying out its functions.
10. To require any Councillor, an Executive Director or a senior officer nominated by him/her to attend any meeting of the Committee to answer questions and discuss issues.

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Internal Scrutiny Committee

1. To review and scrutinise all services provided by the authority, unless specifically covered by the Terms of Reference of another Overview and Scrutiny Committee.
2. To consider matters relating to the general effectiveness and development of Overview and Scrutiny in the authority including training for county councillors and co-optees.
3. To consider requests from the other Overview and Scrutiny Committees on the establishment of task groups, and to establish, task groups, and other working groups and panels as necessary, as well as joint working arrangements with District councils and other neighbouring authorities including joint committees to exercise the statutory function of joint health scrutiny committees under the NHS Act 2006.
4. To determine which Overview and Scrutiny Committee considers a particular matter where this is not clear.
5. To establish arrangements for the scrutiny of member development, and receive reports from the Member Development Working Group.
6. To recommend the Full Council to co-opt on to a Committee persons with appropriate expertise, without voting rights

Children's Services Scrutiny Committee

1. To scrutinise matters relating to services for Children and Young People delivered by the authority and other relevant partners.

The following provisions relating to scrutiny of health and social care relate to services for children and young people:

2. To review and scrutinise any matter relating to the planning, provision and operation of the health service in the area and make reports and recommendations to NHS bodies as appropriate,
3. In reviewing any matter relating to the planning, provision and operation of the health service in the area, to invite interested parties to comment on the matter and take account of relevant information available, particularly that provided by the Local Healthwatch
4. The review and scrutinise any local services planned or provided by other agencies which contribute towards the health improvement and

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the reduction of health inequalities in Lancashire and to make recommendations to those agencies, as appropriate

5. In the case of contested NHS proposals for substantial service changes, to take steps to reach agreement with the NHS body
6. In the case of contested NHS proposals for substantial service changes where agreement cannot be reached with the NHS, to refer the matter to the relevant Secretary of State.
7. To refer to the relevant Secretary of State any NHS proposal which the Committee feels has been the subject of inadequate consultation.
8. To scrutinise the social care services provided or commissioned by NHS bodies exercising local authority functions under Section 31 of the Health Act 1999.
9. To draw up a forward programme of health scrutiny in consultation with other local authorities, NHS partners, the Local Healthwatch and other key stakeholders.
10. To acknowledge within 20 working days to referrals on relevant matters from the Local Healthwatch or Local Healthwatch contractor, and to keep the referrer informed of any action taken in relation to the matter
11. To require the Chief Executives of local NHS bodies to attend before the Committee to answer questions, and to invite the chairs and non-executive directors of local NHS bodies to appear before the Committee to give evidence.
12. To invite any officer of any NHS body to attend before the Committee to answer questions or give evidence.

Education Scrutiny Committee

1. To scrutinise matters relating to education delivered by the authority and other relevant partners.
2. To fulfil all the statutory functions of an Overview and Scrutiny Committee as they relate to education functions of a Children's Services Authority.

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Health Scrutiny Committee

1. To scrutinise matters relating to health and adult social care delivered by the authority, the National Health Service and other relevant partners.
2. In reviewing any matter relating to the planning, provision and operation of the health service in the area, to invite interested parties to comment on the matter and take account of relevant information available, particularly that provided by the Local Healthwatch
3. In the case of contested NHS proposals for substantial service changes, to take steps to reach agreement with the NHS body
4. In the case of contested NHS proposals for substantial service changes where agreement cannot be reached with the NHS, to refer the matter to the relevant Secretary of State.
5. To refer to the relevant Secretary of State any NHS proposal which the Committee feels has been the subject of inadequate consultation.
6. To scrutinise the social care services provided or commissioned by NHS bodies exercising local authority functions under the Health and Social Care Act 2012.
7. To request that the Internal Scrutiny Committee establish as necessary joint working arrangements with district councils and other neighbouring authorities.
8. To draw up a forward programme of health scrutiny in consultation with other local authorities, NHS partners, the Local Healthwatch and other key stakeholders.
9. To acknowledge within 20 working days to referrals on relevant matters from the Local Healthwatch or Local Healthwatch contractor, and to keep the referrer informed of any action taken in relation to the matter.
10. To require the Chief Executives of local NHS bodies to attend before the Committee to answer questions, and to invite the chairs and non-executive directors of local NHS bodies to appear before the Committee to give evidence.
11. To invite any officer of any NHS body to attend before the Committee to answer questions or give evidence.
12. To recommend the Full Council to co-opt on to the Committee persons with appropriate expertise in relevant health matters, without voting rights.

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13. To establish and make arrangements for a Health Steering Group the main purpose of which to be to manage the workload of the full Committee more effectively in the light of the increasing number of changes to health services.

External Scrutiny Committee

1. To review and scrutinise issues, services or activities carried out by external organisations including public bodies, the voluntary and private sectors, partnerships and traded services which affect Lancashire or its inhabitants, and to make recommendations to the Full Council, Cabinet, Cabinet Members, Cabinet committees or external organisations as appropriate.
2. To review and scrutinise the operation of the Crime and Disorder Reduction Partnership in Lancashire in accordance with the Police and Justice Act 2006 and make reports and recommendations to the responsible bodies as appropriate
3. In connection with 2. above, to require an officer or employee of any of the responsible bodies to attend before the Committee to answer questions
4. To co-opt additional members in accordance with the Police and Justice Act 2006 if required, and to determine whether those co-opted members should be voting or non-voting
5. To review and scrutinise the exercise by risk management authorities of flood risk management functions or coastal erosion risk management functions which may affect the local authority's area

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Owner – Chris Mather)**

Lancashire County Council

External Scrutiny Committee

Minutes of the Meeting held on Tuesday, 6th March, 2018 at 10.30 am in Committee Room 'B' (The Diamond Jubilee Room) - County Hall, Preston

Present:

County Councillor Edward Nash psc (Chair)

County Councillors

D Stansfield	Mrs L Oades
A Ali	G Oliver
A Cheetham	J Rear
C Crompton	J Shedwick
D Foxcroft	C Towneley
T Martin	

1. Appointment of Chair of External Scrutiny Committee

Resolved: That the appointment of County Councillor Edward Nash psc as Chair of the External Scrutiny Committee for the remainder of the 2017/18 municipal year be noted.

2. Apologies

There were no apologies.

3. Disclosure of Pecuniary and Non-Pecuniary Interests

County Councillor Anne Cheetham declared a non-pecuniary interest as she was a trustee of the East Lancashire Railway Trust.

4. Transport for the North - Consultation on the Draft Strategic Transport Plan

The Chair welcomed Jonathan Spruce, Interim Strategy Director; Robin Miller-Stott, Senior Policy and Strategy Officer from Transport for the North; and Dave Colbert, Subject Matter Expert/Specialist Advisor: Transport Planning from LCC, to the meeting. The report presented set out the key messages of the draft Strategic Transport Plan for the North; a 30-year vision for transport investment currently out for consultation. A copy of the revised presentation is set out in the minutes.

There were three core themes identified in the transport plan, connecting people, connecting businesses, and moving goods. There were four objectives set for the transport plan:

- Transforming economic performance;
- Improving opportunities across the North;
- Promoting and supporting the built and natural environment; and
- Increasing efficiency, reliability and resilience of the transport system.

Regarding the consultation it was reported that the County Council would respond in a narrative form rather than completing the questionnaire and propose a shortlist of questions to be put forward. The County Council's response would be considered at the meeting of Cabinet on 12 April 2018. Members of the Committee made the following requests for potential inclusion in the County Council's response to the Transport for the North consultation:

- The electrification of the Preston to Leeds railway connection and Preston to Colne/Skipton.
- Improvement of the A585, from Windy Harbour to Junction 3; and connectivity of the A585 into Fleetwood peninsula.
- Railway connection from Rossendale to Greater Manchester and connection to Metro links.
- Reducing heavy goods movement on the roads and better ways of distributing freight including the placement of distribution centres and restriction on delivery times in towns and city centres.
- Encourage Transport for the North to retain fares to enable reinvestment in the north and incentivise rail travel.
- An integrated green infrastructure developed alongside improvements to the rail and road networks to protect the rural areas.
- Improvements to the A59 from Liverpool.
- Improvements to the railway line that travels alongside the A59 from Liverpool to Preston.
- Connectivity of railways across Wyre district and consideration of farming communities for example in the Over-Wyre area.
- The Enterprise Zones become an economic hub and the relevant importance of them be brought into the plan.
- Better connection to Yorkshire of the A59 and A56.

It was noted that the plan would be finalised in the Autumn of 2018.

Resolved: That;

1. The External Scrutiny Committee's requests as set out in the minutes above be considered for inclusion in the County Council's response to Transport for the North's consultation on the Draft Strategic Transport Plan to be considered by Cabinet at its meeting scheduled for 12 April 2018;

2. All County Councillors be encouraged to respond in their own capacity to the Transport for the North's consultation; and
3. Representatives from Transport for the North be invited to a future meeting of the Committee.

5. External Scrutiny Committee Work Plan 2017/18

The report presented set out the work plan for the newly established External Scrutiny Committee. A list of topics requested by members of the Committee at its meeting held on 25 July 2017 was also set out in the work plan.

At the request of the Chair, members were provided with a handout at the meeting detailing the newly established rapporteur mechanism for the scrutiny function. The Chair felt the rapporteur mechanism represented an ideal opportunity for this Committee to utilise and asked members of the Committee to report back at the next scheduled meeting with some suggested topics for rapporteurs to look into. The Committee's work plan would also be reviewed at the next scheduled meeting on 24 April.

Resolved: That the report be noted.

6. Urgent Business

There were no items of Urgent Business.

7. Date of Next Meeting

The next meeting of the External Scrutiny Committee will take place on Tuesday 24 April 2018 at 10.30am in Cabinet Room B (The Diamond Jubilee Room) at the County Hall, Preston.

L Sales
Director of Corporate Services

County Hall
Preston

Lancashire County Council

External Scrutiny Committee

Minutes of the Meeting held on Tuesday, 10th October, 2017 at 10.30 am in Committee Room 'B' - The Diamond Jubilee Room, County Hall, Preston

Present:

County Councillor David O'Toole (Chair)

County Councillors

A Ali	G Oliver
J Burrows	J Rear
C Crompton	A Riggott
D Foxcroft	C Towneley
Mrs L Oades	

County Councillor Joan Burrows replaced County Councillor John Shedwick for this meeting.

1. Apologies

Apologies were received from County Councillor Tony Martin.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

None were disclosed.

3. Minutes of the Meeting held on 25 July 2017

Resolved: The minutes from the meeting held on 25 July 2017 be confirmed as an accurate record and signed by the Chair.

4. Hate Crime/Incident Update

The Chair welcomed Saeed Sidat, Principal equalities and Cohesion Manager; Chief Inspector Ian Mills, Lancashire Constabulary and Chair of the Lancashire Strategic Hate Crime and Cohesion Group; and Andrew Proctor, Lancashire Constabulary, to the meeting.

It was reported that the draft Hate Crime Strategy and Delivery Plan was in the process of being finalised and was presented as an opportunity for the Committee to contribute to the overall development of the strategy and delivery plan before they were presented to the Lancashire Public Services Board on the 25 October 2017 for sign off.

A question was asked on whether police resources and the lack of community policing was affecting the achievement of the five key areas. It was reported that tackling Hate Crime had to be a multi-agency approach and was not confined to the responsibility of one organisation. Working in partnership was vital and the voluntary, community and faith sector (VCFS) was pivotal in supporting the multi-agency approach given the efficiencies required of the public sector.

Integration was key to reducing hate crime in our communities. It was reported that the more people who contacted the police regarding hate crime the better. However, on the Constabulary's recent review of front counters across the County, there was a concern that any subsequent closure of a front counter would limit the options for reporting Hate Crime, especially for those who might not wish to use the 101 service. Concern was therefore expressed on whether third party reporting centres would be able to cope with demand or help support victims and resolve all issues that were reported in this way.

The Committee was informed that third parties were beginning to express an interest in becoming dedicated reporting centres. It was highlighted that third party reporting centres had to be accessible and in a location where people would feel comfortable to go in order to receive empathy and support. However, there would need to be sufficient and willing people trained to run an effective third party reporting centre.

The Committee was also informed that rather than impose the Constabulary's way of how Hate Crime should be reported, to approach and consult specific groups and communities such as the LGBT community, Galloways and Deafway to improve and develop bespoke ways of reporting. Current methods of reporting included the 999 and 101 service, the Constabulary's website, True Vision, the Lancashire Council of Mosque's helpline and other third party reporting centres.

Members felt it was important to know where all third party reporting centres were located throughout the County. It was reported that the Lancashire Constabulary website included a map of where they all were along with their contact details.

Members were encouraged by the level of engagement from partners with the Lancashire Strategic Hate Crime and Cohesion Group. However, it was noted that from the education sector, only UCLAN was present. A question was asked on whether the Group would benefit from having a much wider representation from across the County from the education sector. It was agreed that education as a whole and not just further or higher education establishments should be represented on the group.

With regard to schools, a question was asked on what steps were being taken for schools to make it easier for pupils to report Hate Crime. The Committee was informed that the County Council had a Schools Equality Group made up of Headteachers and officers from Children Services on a strategic level with a representative from this Group having a seat on the Lancashire Strategic Hate Crime and Cohesion Group. In addition to this, one third party organisation and a

voluntary organisation were visiting schools throughout the County to talk about Hate Crime.

On the under-reporting of hate crime, it was queried as to whether pre-conceived images of the police might deter people from reporting. The Committee was informed that there was a need to manage expectations and raise awareness internally and externally but also raising confidence in the criminal justice system as a whole in order to achieve positive outcomes for victims.

Nationally Lancashire was one of the most successful areas for prosecutions around recorded hate crimes with an 80% success rate. The Chair thanked the officers for the work they had done. Whereupon it was;

Resolved: That the report be noted.

5. Lancashire Enterprise Partnership (LEP)

The Chair welcomed Martin Kelly, Director of Economic Development, to the meeting.

A presentation was delivered to the Committee on the Lancashire Enterprise Partnership (LEP), detailing the Lancashire Offer, the LEP's priorities and assurance framework and information on the City Deal. A copy of the presentation is set out in the minutes.

Concerns were expressed around investment opportunities in West Lancashire given its proximity to the Liverpool City Region. It was recognised that during the early years, the LEP focussed on where the scale of opportunity was greatest for investment and how well planned those opportunities were. Edgehill University was chosen as a key economic driver in West Lancashire for its technological innovation and the wider benefits it could provide beyond the district. Other investment projects included: Skelmersdale Town Centre and Railway Link; working with West Lancashire Borough Council on the development of motorway/highway infrastructure to support the private sector; as well as the submission of a housing infrastructure bid.

A question was asked on whether there were any plans to assist the development of the Warton Aviation Enterprise Zone. It was reported that this Enterprise Zone was wholly owned by BAE Systems and whilst the LEP was currently holding them to account on the development of that Zone, it was recognised that a lot of work had gone into the development of the Samlesbury Aerospace Enterprise Zone. It was hoped that the recent announcement of potential job losses in the area might force them to rethink the use of this asset and to retain it as an employment location. The Committee was informed that the LEP was hoping to broaden all of the County's Enterprise Zones and economic sectors to promote the strengths of what they brought in terms of skillsets but over time reduce the dependency in one sector (defence).

Regarding the Growing Places Investment Fund, Members enquired if there would be any investment from the LEP for social housing across Lancashire. It was reported that the LEP was not a social housing provider. However, the LEP had invested in one project through the proposition of a social housing provider in the Morecambe area to convert a row of run down terraced properties into affordable housing. It was recognised that Local Authorities

In terms of the European Strategic Investment Funding (ESIF), the Committee was informed that a number of ESIF funding calls were underway and planned. There were 29 live projects at the moment with delivery aimed at supporting businesses to align with key local priorities. The Committee was reassured that Brexit would not affect these projects and funding would not be removed.

Resolved: That;

- i. The report be noted; and
- ii. Representatives from the Lancashire Enterprise Partnership be invited to attend a future meeting.

6. External Services Scrutiny Committee Work Plan 2017/18

The Work Plan for the newly established External Scrutiny Committee was presented to Members.

County Councillor Liz Oades proposed that the policing of fracking be added to the work plan which was seconded by County Councillor Carl Crompton. The suggestion was put to the vote and was lost.

Following on from earlier discussion on affordable/social housing, it was suggested that a review of district council affordable/social housing policies with specific reference to rural proofing be added to the Committee's work plan.

Resolved: That;

- i. The work plan be noted; and
- ii. The Committee writes to all 12 district councils to obtain their policy on affordable/social housing and for a report to be presented at the next scheduled meeting of the Committee for information.

7. Urgent Business

There were no items of Urgent Business.

8. Date of Next Meeting

The next meeting of the External Services Scrutiny Committee will take place on Tuesday 16 January 2018 at 10.30am in Cabinet Room B (The Diamond Jubilee Room) at the County Hall, Preston.

I Young
Director of Governance, Finance
and Public Services

County Hall
Preston

External Scrutiny Committee

Meeting to be held on Monday 4 June 2018

Electoral Division affected: (All Divisions);
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Flood Risk Management Partnership working

Appendix A refers.

Contact for further information:

Rachel Crompton, Tel: 01772 530150, Flood Risk Manager,
rachel.crompton@lancashire.gov.uk

Executive Summary

The county council is the Lead Local Flood Authority for the administrative area of Lancashire. It must work with the other flood risk management authorities to deliver various statutory responsibilities associated with flood risk management. The activities of key local interest are explained in the report, which gives a particular focus to the partnership working with United Utilities plc, the water company providing services to the majority of Lancashire's residents.

Representatives from United Utilities plc will attend this meeting to contribute to the scrutiny process.

Recommendation

It is recommended that:

1. the Committee notes the report; and that
2. the Committee identifies areas of partnership working and activity of particular interest where a more detailed review will add value to the service.

Background and Advice

The Flood and Water Management Act 2010 established county councils in England (and unitary authorities where they exist) as the lead local flood authorities (LLFAs), with a variety of duties and responsibilities to manage flood risk. The roles and responsibilities of the various partner organisations are detailed in Appendix A.

The county council's Flood Risk Management team is responsible for delivering the LLFA's activities in Lancashire. Activities of key local interest are explained below.

1. Planning and development processes

Since April 2015, the LLFA has been a statutory consultee for major planning applications with flood risk implications as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended). 'Major development' is defined as 10+ dwellings or an equivalent size of other types of development.

This means that the local planning authorities (12 city and district councils and the county council's own planning team) consult the LLFA for advice on the flood risk implications of proposed developments at the same time as they consult the local highway authority for advice on the highway implications.

They may also consult on the flood risk implications of Local Plan proposals, Neighbourhood Plans, strategic proposals and masterplanning issues.

In the 12 months from April 2017 to March 2018, a total of 875 planning consultations were received, of which 764 were screened in as meeting the statutory requirements.

As part of the LLFA response, the existing flood risk is assessed in the area likely to be affected by the proposed development, as are the development's drainage proposals, and any residual flood risk in the affected area. The aim of the LLFA's response is to help the planning authorities ensure that there is no net increase in flood risk as a consequence of the development. Planning law prevents the developer being required to improve an existing flood risk although this can be achieved through better management of the land in question.

Using published climate change guidance from the Environment Agency (see section 9 below), various factors are applied to future scenarios to ensure that appropriate consideration is given to the likely increase in heavy rainfall events through the likely lifetime of a new development.

If the LLFA's recommendations are adopted by the planning authority, they will typically become conditions attached to a decision to grant planning permission.

It is becoming clear to the planning authorities that temporary management of surface water during the construction period may also need to be controlled by conditions, and options for achieving this fairly and responsibly are being explored with the planning authorities.

In Lancashire, the LLFA will assist the planning authorities to confirm the discharge any conditions attached to the planning permission that are linked to the comments and advice provided in the consultation response. The planning authority may receive advice from other sources which they may choose to include as conditions. Where this is the case the LLFA does not have a duty to discharge such conditions, as they may have been written for

reasons beyond the LLFA's priorities, but may assist where the conditions affect the LLFA conditions.

An optional (paid for) pre-application service has recently been launched for developers wishing to prepare their flood risk assessments and surface water management proposals with early advice from the LLFA. This enables early review of and resolution of issues that would otherwise only arise during the planning consultation period and potentially delay progress. Take up has been slower than anticipated but it is anticipated that the number of applications for the service will increase over time.

The local water companies are not statutory consultees in regard to planning applications, so do not have a direct opportunity to influence the way developments happen. By working in partnership, the LLFA in Lancashire will represent the water company's concerns where they relate to surface water drainage and will endeavour to secure appropriate support for them.

For example, there have been instances where developers have proposed to drain all surface water generated on the site into public sewers, yet United Utilities plc (UU) cannot provide the additional capacity in the existing sewer network for this to happen so this would raise the risk of flooding in the locality. With support from the LLFA, these developers have been obliged to reconsider their proposals and find ways to reduce flows into the sewers to acceptable levels.

2. Flood investigations

There is a statutory duty on the LLFA to investigate flooding incidents and to publish a report identifying which risk management authorities had a function relating to the incidents, and whether those functions have been discharged yet (see Appendix A). This can be referred to as 'the Section 19 report' for a flood incident.

The Flood and Water Management Act 2010 enables the LLFA to define what constitutes a flooding incident to be investigated this way. In the county council's current Investigations Policy (which can be found via this link: [Investigations](#)), the threshold is generally set at 5 or more homes flooded internally, or fewer homes with repeated incidents.

Following the major flooding incidents across Lancashire of December 2015, a Section 19 report was published that led to over 250 localised investigations being pursued by combinations of all the various risk management authorities (RMAs).

The workload generated by the December 2015 floods is continuing as investigations identify projects that will help to mitigate flood risk. This workload has meant that investigations into other flooding incidents in Lancashire during 2016 and 2017 have not yet been brought to conclusion and the Section 19 reports have not been published. The widespread flooding

in November 2017 has placed further workload burdens on the team which it is unable to deal with and options for managing the workload and consequential backlog are currently being developed.

That being said, individual RMAs always progress their own investigations into the way their assets function during major flooding events. The local councils, the local highways teams on behalf of the highway authority, the Environment Agency (EA) and UU plc respond as quickly as possible to inspect and repair any damage revealed and to review options for investing in their assets to reduce future flood risk.

The challenge for a Section 19 report is to meet the statutory duty as quickly and as meaningfully as possible. Many affected people are hopeful that the Section 19 report might lead to drainage improvements that will 'prevent' them from flooding again. This is a future scenario that cannot be guaranteed due to the variability in rainfall location and, duration and intensity and in drainage system maintenance and condition.

3. Programmes of investment in flood risk management

The county council manages a programme of capital investment in highway drainage, which has provided £1m for each of the past 5 years. This programme includes projects to repair deteriorating or damaged drainage assets including pipes, head walls and trash screens. It has also been used to fund essential improvements for example safe access to trash screens to enable more reliable cleaning activities, and to remove a build-up of debris in deep shafts.

This programme remains very flexible as so much of the highway drainage asset remains underground and can only be fully understood once work commences. This leads to projects at one extreme being much more expensive than originally expected due to uncovering more extensive requirements; at the other extreme projects can be significantly less costly than expected as a drainage system is found to run freely once it has been desilted or a single blockage has been identified and removed. Similarly the duration of schemes is very variable, as timescales can be subject to accessing third party land, or completing surveys, or affected by working around environmental/ecological time constraints.

These constraints mean it can be difficult to accurately programme and estimate the costs of drainage-related schemes within the county council's capital programme.

The Department of Environment, Food and Rural Affairs (DEFRA) runs a national programme of investment in projects to reduce flood risk to people and property, called the Flood and Coastal Erosion Risk Management programme (FCERM). This target means flood risk to permanent dwellings built or converted to residential accommodation before January 2012.

The funds are available to any RMA that makes a successful bid.

Examples of current/recent schemes that have been funded by the FCERM budget are: the River Yarrow dam at Croston, Chorley; the coastal defences along the Wyre, Blackpool and Fylde coast; and the Morecambe wave wall.

This budget can also be used to appraise locations at higher flood risk, to identify the mechanisms by which floods happen and to identify whether there are any viable ways of improving management of flood risk. These exercises are referred to as studies or surface water management plans. Four such proposals from the county council have recently been awarded funding and steps are being taken to bring this money into the county council's budgets for spending this year at:

- Brinscall, Chorley;
- Burscough, West Lancashire;
- Galgate and Halton, Lancaster; and
- Staining, Fylde.

The national cost-benefit calculations typically require a contribution of funding from partners in order to make a scheme viable against the competing projects around the country.

Partnership contributions can be taken in the form of bankable money (for example from benefitting local councils) or 'contributions in kind' (for example staff time contributions from benefitting partner organisations, waived or reduced fees for licences etc.).

The North West Regional Flood and Coastal Committee (RFCC) acts for DEFRA in approving regional FCERM programmes. It is a levy-raising body, managing its own Local Levy programme in the North West region. This programme is currently used to make partnership contributions to worthy projects where partnership funding is otherwise falling short, to fund ring-fenced posts within the EA and the LLFAs which directly support flood risk management activities, and to fund other forward-looking and inspirational projects, for example:

- a scheme to explore what community engagement options work well in which situations, and
- to explore the flood risk management measurement that may be possible when working with natural processes.

Parish and district councils may choose to deliver flood risk management projects, and may be required to do so where they are the relevant landowners associated with localised problems.

The water companies may contribute to these programmes subject to strict financial and performance requirements. These are discussed in Section 12 below.

4. The regulatory framework (land drainage consents & enforcements)

The Land Drainage Act 1991 sets out the way that owners of land on which water flows have various rights relating to that water (for example to abstract it for their purposes). They also have responsibilities not to pass on flooding problems to their downstream neighbours, and to maintain flows of water in the rivers and watercourses that cross their land.

These landowners are known as 'riparian landowners' due to the nature of their responsibilities for the watercourse banks. Unless expressly set out in binding records, their responsibilities extend to the centre of each watercourse that their landownership abuts.

Before doing any work in their rivers and watercourses, they must receive either an Environmental Permit from the EA for works in, over or near main rivers, or a Land Drainage Consent from the LLFA for works in, over or near ordinary watercourses.

An 'ordinary watercourse' is defined simply as a watercourse that is not part of a main river. This includes rivers, streams, ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages through which water flows.

LLFAs have various powers under the Act relating to ordinary watercourses, including the power to give Land Drainage Consent when conditions of the proposed works have been satisfied, and to take enforcement action against landowners who fail to maintain their watercourses.

The county council's approach to Land Drainage Consent is set out in guidance found here: [Watercourses](#) . The council's Consenting and Enforcement policy (also available on the council's website) sets out the current ways that these responsibilities will be progressed.

5. Flood Incident Response

The county council has a number of roles in respect of flood incident response:

- The Emergency Planning function – LCC acts as lead coordinator for first responders in its civil contingency role, providing an administrative function and coordination of training, preparedness exercises and plans, incident management and debriefs for the Lancashire Resilience Forum (LRF);
- County council services ensure that their essential public services are resilient to flooding and other emergency situations as part of their business continuity planning;
- The Highways Service contributes various resources (including staff, specialist plant & machinery, signing & guarding equipment) to assist in keeping key access routes open and unsafe ones closed during a flooding emergency.

The EA maintains registers of people at risk of river and coastal flooding, who are notified automatically when appropriate triggers are reached – for example high tides coinciding with westerly winds, and/or river levels reaching particular levels on relevant gauges. Anyone who would benefit from this warning system is invited to sign up on-line: <https://www.gov.uk/sign-up-for-flood-warnings>

The Met Office and the EA produce joint Flood Guidance Statements for use by the LRFs. These take account of current and forecast weather conditions, and other factors such as likely ground saturation which may contribute to surface water flooding when rivers, watercourses and other drainage systems are already full in advance of a heavy rain event.

During flooding events, residents often try to contact their local councils and the county council requesting sandbags to be delivered. Most councils do not provide this service. For example LCC Highways is likely to need all available sandbags to aid in keeping key access routes open for emergency vehicles, or to help close unsafe roads.

The county council's website offers access to people looking for advice and information on how to prepare themselves and their property for future or imminent flooding events and also what to do during and after a flooding event. The advice includes reference to sandbags, explaining the difficulties in making them available, in delivering them, in using them and in cleaning them up after they have become contaminated by flood water. People keen to have something to use as a barrier against flood water are directed to other more reliable and sustainable options, and are encouraged to think ahead and plan for the possibility that they might want something for themselves at short notice so to make their provision well in advance.

There are a growing number of community flood action groups and community resilience groups around Lancashire. These are typically formed by experienced and knowledgeable people willing to volunteer their time and expertise to helping their neighbours to cope as well as possible with impending or actual flood events. A constituted group will be able to access and spend money on behalf of their community, and may choose to develop a neighbourhood flood action plan that will be upheld and worked with by the LRF in the event of a flooding incident.

During and immediately following a flooding incident, the EA will arrange for their officers to attend affected areas as flood ambassadors – advising and assisting affected people whilst collecting early data on the flood event. Local councils in Lancashire all strive to do the same.

The value of a flood 'drop-in event' a few weeks after a major flood event is becoming widely recognised. In Lancashire, this is starting to follow a pattern of being attended by all the RMAs. They aim to send knowledgeable staff and useful information, giving affected people the opportunity to have one-to-one

discussions about their individual circumstances, and how they might repair any damage using more resilient options.

6. Partnership & cross-boundary working

It is well-recognised by flood risk professionals and by affected people that 'water knows no boundaries'. It is vitally important that flood investigations encompass all affected areas regardless of which LLFA is responsible for the investigations, and that all RMAs with a role in a geographical location should work together intelligently.

The Lancashire and Blackpool Flood Risk Management Strategy sets out how partnership working will be managed, alongside Blackburn-with Darwen as the key neighbouring LLFA.

At a district level, technical officers from all RMAs meet regularly in 'Making Space for Water' meetings to review progress with flooding hotspots in need of joint investigations, and any more significant works of joint interest. Between the meetings, there are frequent site-specific discussions between partners to help progress matters on the ground.

At a county and pan-Lancashire level, technical managers from all RMAs meet regularly to oversee matters of more tactical interest such as shared learning, key joint projects and developments in the flood risk environment. This meeting includes representation from Blackpool and Blackburn-with-Darwen councils.

Also at a pan-Lancashire level, councillors from the 3 local LLFAs with key portfolio responsibilities meet regularly with senior managers from the EA and UU to oversee strategic developments and to set direction for the joint working.

At a regional level, the North West Regional Flood and Coastal Committee meets regularly to ensure shared learning from flood and project experiences, to oversee the Defra capital investment programme, to direct projects of regional significance (such as the development of a Shoreline Management Plan) and to foster good relationships across wider administrative boundaries.

7. Natural Flood Risk Management

One topic gaining national prominence is called 'natural flood risk management' or 'working with natural processes'. It arises from the concept that the most sustainable options for managing surface water and coastal erosion are likely to be those that most naturally replicate what water would want to do if left to its own devices.

Examples include: restoring bends in rivers, changing the way land is managed so soil can absorb more water, and creating salt marshes on the coast to absorb wave energy.

Developing opportunities for natural flood risk management will require the LLFA to be more engaged with organisations with which we have had good but perhaps somewhat remote relationships up to now. For example, the Rivers Trusts, the Countryside Landowners Association and the National Farmers Union have all been helpful partners in the past although this has principally been evident only on a project-by-project basis. The concept of managing water and environments together, within the wider river 'catchment areas', will lead us into more opportunities to work together on sustainable flood risk management projects in which their specialist expertise and engagement will be vital.

8. Impact of demaining rivers and divesting of surface water sewers

Every responsible organisation with assets will periodically review those assets against its current priorities and resources, and will plan changes to ensure its asset register and maintenance programmes remain relevant and sustainable.

The EA may reassess its designation of main river lines, and some lengths may be re-categorised as ordinary watercourses. Whilst the riparian landownerships would not change and the landowners would continue to have primary responsibility for maintaining flows in these watercourses, responsibility for Land Drainage Consents, investigations and enforcements relating to these watercourses would fall to the LLFAs. No such programmes have been notified to us at this time.

It is also possible that the water companies might identify that some pipes currently designated as public surface water sewers are only carrying watercourses, in which case these should be re-designated as not being public sewers (known as 'divesting'). The responsibility for managing and maintaining any such pipes/culverts would revert to the riparian landowners, and again Land Drainage Consents, investigations and enforcements associated with them would fall to the LLFAs. Such decisions are only taken on a case-by-case basis as part of a joint investigation and with full consultation with the relevant parties.

9. Climate change impacts

The National Planning Policy Framework (NPPF) sets out how the planning system should help minimise vulnerability and provide resilience to the impacts of climate change. NPPF and supporting planning practice guidance on [Flood Risk and Coastal Change](#) explain when and how flood risk assessments should be used. This includes demonstrating how flood risk will be managed at the time of applying for planning consent and constructing the

development, and over the development's lifetime, taking climate change into account. Local planning authorities refer to this guidance when preparing Local Plans and considering planning applications.

This advice updates previous climate change allowances to support NPPF. The Environment Agency (EA) has produced it as the government's expert on flood risk.

The climate change allowances are predictions of anticipated change for:

- peak river flow by river basin district;
- peak rainfall intensity;
- sea level rise;
- offshore wind speed and extreme wave height.

The predictions are based on climate change projections and different scenarios of carbon dioxide (CO₂) emissions to the atmosphere. There are different allowances for different epochs or periods of time over the next century.

10. Highway drainage functions

The local highway authority is a flood risk management authority in its own right. Within the county council, the highway drainage functions are managed by the local highways teams as part of their asset management and road safety commitment.

Ordinary maintenance of the highway drainage asset is generally dependent on the amount of debris in the highway areas that might block gullies and other entry points. Road sweeping and litter picking are activities carried out by the district councils, and considerable effort goes into coordinating these works with highway drainage cleaning activities to ensure the 'best fit'.

Occasionally, repeated or continuous problems with highway drainage are identified, which may require detailed investigation. Subject to the findings and the risks of 'doing nothing' or 'doing the minimum', the local highways teams may propose a capital investment project to give a sustainable and cost-effective improvement as set out in section 3 above. In Lancashire, such proposals are given priority if they will assist in reducing flood risk to neighbouring properties and/or if they will reduce the risk of impeding essential traffic movements e.g. on a main road.

11. United Utilities 5-year Asset Management Plan (contributed by UU)

United Utilities, like all other Water and Sewerage Companies in England and Wales, operates on five-yearly investment cycles called Asset Management Plan (AMP) periods. Prices are set by the regulator, Ofwat at the beginning of each period, following submissions from each company about what it will cost

to deliver their business plans. UU has just entered year three of the current five-year period (AMP6) and is currently preparing the business plan for the period 2020 to 2025 (AMP7). The business plan will be submitted to Ofwat in September 2018 and UU will receive their determination of the plan in 2019.

Over the past year, United Utilities have continued with its Wastewater Network Management Programme which has allowed the company to gain a detailed understanding of the connectivity and risk associated with key assets, enabling it to manage them more effectively and efficiently and ensure investment is prioritised to ensure that every pound is spent on the most important thing at that time. The programme has focused on the areas that drain to Preston (Clifton Marsh) Wastewater Treatment works and the methodologies developed through the programme have informed UU's approach to meeting the requirements of the Drainage Strategy Framework. The company has carried out Integrated Drainage Area Studies (IDAS) to inform future investment requirements across a number of priority areas such as Ormskirk, Preston, Walton-le-Dale and Rossendale in the Lancashire area as well as other locations beyond.

The approach adopted was holistic and catchment wide, looking beyond UU's own network assets. The company will work in partnership with external stakeholders to develop sustainable, holistic long-term plans to resolve or mitigate against jointly identified risks. The studies were completed in the latter part of 2017 and consider current water quality drivers, internal and external hydraulic and operational risks, and determine the additional problems posed by future catchment changes such as proposed development, urban creep and climate change. Solutions will be identified to deliver a range of levels of protection, comparing traditional storage options with more sustainable surface water removal opportunities. The IDAS study output reports will inform the development of the AMP7 business plan. UU intends to produce customer-facing and stakeholder versions of the IDAS reports in the near future.

12. UU's flood risk management activities in Lancashire (contributed by UU)

United Utilities does not have any specific projects in the Lancashire area relating to flood risk. The company is however always looking for opportunities to reduce the volumes of surface water that drain into its combined sewer network and put customers at risk of sewer flooding. The unfortunate flooding events across the Fylde coast in November 2017 have identified a number of such opportunities which will be discussed between LCC and UU colleagues.

UU remains open to suggestions from RMA's and other stakeholder partners for opportunities to collaborate on flood risk reduction. The company can only make a financial contribution to such schemes where there are tangible cost and flood protection benefits to its customers – just because a scheme reduces surface water discharge to the combined sewer network doesn't mean there will sufficient cost benefit in part-funding that reduction in flow.

That being said, throughout AMP6 UU is delivering a balanced programme of work with a primary focus on the reduction of risk of sewer flooding. Ofwat obtain annual performance data from each company across a host of metrics. Currently United Utilities is performing in an industry-leading manner (frontier) for sewer blockages and pollution incidents from the wastewater system. UU is also in the top 25% of companies (upper quartile) in respect of the number of external flooding incidents from sewers. UU's performance for internal flooding, for internal property sewer flooding and sewer collapses does not compare well with other companies but it has recently come to light across the industry, and more importantly to Ofwat, that companies are reporting on these aspects using differing methodologies, definitions and metrics that makes like for like comparison impossible.

United Utilities continues to improve its performance across the sewer network over the course of this current AMP.

Incident Type	Indicative Percentage change in Incidents in last year		
	North West Region	Lancashire County	Incidents attributable to Fylde flood event 22/11/17 of annual total
Sewer Blockages	-6%	-5%	-
Sewer Collapses	-10%	-19%	-
Internal Flooding from sewers	-27%	+32%	32%
External Flooding from Sewers	-12%	+4%	5%
Repeat internal flood in last 10 years	-18%	+42%	33%

Table 1 – Indicative Change in Incidents

Overall United Utilities is delivering significant reductions in incident volumes, particularly notably where the company can control outcomes, influence discharge behaviours and deliver proactive work programmes. Flooding caused by heavy rainfall in areas where public sewers are at capacity is a lot more difficult and expensive to address. It should be noted however that in terms of flooding due to limited sewer capacity, 2017/18 was atypical and not representative of “normal” rainfall conditions. It should also be noted that rainfall events such as that which occurred on 22/11/18 can also cause blockages on the sewer network. Table 1 above shows the proportion of incidents occurring on 22/11/18 compared to the annual incident volume across the Lancashire area for the whole of 2017/18.

As stated above, the primary focus this AMP has been to reduce overall risk from sewer flooding. The majority of sewer floods are caused by blockages

that result from the discharge of materials such as wipes and Fats/Oils/Greases (FOG) that sewers are not designed to cope with. Along with the rest of the industry across the UK, and indeed with a number of organisations across the globe, UU promotes the message that only the 3 P's ('pee, pooh and paper') should be flushed and all other material should be put in the bin.

In the order of 95% of sewer floods occur due to operational problems such as blockages and collapses. Only 5% of sewer floods occur due to their being insufficient capacity in the wastewater network during times of heavy rain. Consequently UU's attention to sewer flooding in AMP 6 has been predominantly focused on operationally-caused incidents. Where customers have experienced internal sewer flooding due to capacity issues, UU does look to provide property-level mitigation through devices such as flood doors, non-return valves and airbrick covers etc.

As part of the business plan that will be submitted to Ofwat for AMP7, UU has to include evidence of customer's prioritisation across different sewer incident types. Ofwat expects the company to listen to customers' views and valuation of different types of sewer problems and their willingness to pay (WTP) for interventions to resolve issues. For AMP 7 UU is developing a balanced and innovative programme of work that reflects customer WTP and prioritises activity and competing needs across the North West region.

Subject to Ofwat approval UU expects the programme of activity over AMP 7, in addition to the activity carried out in AMP 6, to include:

- an increased focus on customers;
- enhanced proactive sewer cleaning programmes;
- sewer monitoring;
- predictive technology;
- sustainable drainage systems (SuDS); and
- an extensive customer awareness programme of activity to reduce the flushing of items that cause blockages etc.

In addition the company is currently developing a programme of work that targets expensive-to-resolve repeat flooding caused by capacity challenges. It are looking to move away from traditionally provided 1 in 30 year levels of protection to lower more affordable and cost beneficial solutions that offer repeat flooded customers some flood respite.

Throughout the remainder of AMP6 and all of AMP7 UU will continue to focus on new development and through liaison with local planners and LLFA's will try to ensure that surface water is not unnecessarily connected to the combined sewer network.

13. UU customer focus and LCC joint working (contributed by UU)

United Utilities staff liaise with LCC at a strategic flood partnership level, through "Making Space for Water" meetings and also through operational

level flood meetings. It operate its network in a manner that focuses on first-time resolution of issues reactively discovered and is absolutely averse to the potential of repeat operationally-caused incidents. Where there are reactive trends developing in an area, UU uses insight to target proactive units to investigate that part of the network and identify/resolve problems before they interrupt the service experienced by its customers.

Whilst delivering improved network performance for customers across the North West, UU also pays detailed attention to the levels of customer service it delivers. The company accepts that when customers have to contact UU over an issue with the sewer network the interruption to service they have experienced is inconvenient and can be stressful. The company therefore aims to attend their property as quickly as job volumes allow by operating a reactive service from 08.00 to 22.00 seven days a week. When UU arrives and establishes that a problem exists with its assets, the company uses state of the art, industry leading, resolution units to deal with the issue found and, wherever possible will carry out additional cleaning and closed-circuit television inspection work in an attempt to ensure there will be no recurrence of the issues experienced by the customer. Where UU is unable to resolve the issues found during the initial visit, it strives to keep the customer updated during the course of the works.

Ofwat measure levels of customer satisfaction across the industry through a Service Incentive Mechanism. Ofwat appoint a contractor to carry out qualitative satisfaction surveys with customers who have contacted their water company, these surveys are carried out each quarter. For the final quarter of 2017/18 United Utilities obtained first position score, over all other water and sewerage companies, and were scored 3rd best company over all four surveys undertaken in the year.

Consultations

The Wastewater Investment Strategy Manager for United Utilities plc has contributed material for sections 11-13.

Implications:

This item has the following implications, as indicated:

Risk management

None arising from consideration of this report.

Local Government (Access to Information) Act 1985 List of Background Papers

Paper	Date	Contact/Tel
None	-	-

Reason for inclusion in Part II, if appropriate

N/A

APPENDIX A

FLOOD RISK MANAGEMENT DUTIES, ROLES AND DEFINITIONS

1. Flood & Water Management Act 2010 Duty

1.1 Lancashire County Council (LCC) as a Lead Local Flood Authority (LLFA) has a duty to investigate flooding in accordance with Section 19 of the Flood and Water Management Act 2010 (FWMA) as follows:

1.2 Section 19 states:

- 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 investigation, and
 - b) Notify any relevant risk management authorities.

1.3 The terms 'risk management functions' and 'risk management authorities' are defined in Section 2.

2 Lancashire & Blackpool Local Flood Risk Management Strategy

2.1 In addition to the requirements of Section 19 of the FWMA, the Lancashire and Blackpool Local Flood Risk Management Strategy (LFRMS) sets out how flood risk should be managed locally.

2.2 The LFRMS states that the Section 19 investigations will help to:

- Improve the understanding of flood risk by providing an invaluable tool for understanding the sources and mechanisms of flooding;
- Identify assets that have a flood risk management function, which may need to be designated; and
- Identify where additional works and studies are likely to be necessary, that LCC or other risk management authorities can integrate into their prioritised flood risk management plans.

3. Key Definitions

3.1 The Risk Management Authorities

3.1.1 The risk management authorities (RMAs) are identified in the FWMA as follows:

- a. The Environment Agency,

- b. The lead local flood authority,
- c. A district council for an area for which there is no unitary authority,
- d. An internal drainage board,
- e. A water company, and
- f. A highway authority.

3.1.2 Each of these organisations has powers and duties under various legislation and regulations for the responsible management of natural water, flood risk and in some cases coastal erosion.

3.1.3 The FWMA requires all the RMAs to cooperate with other relevant authorities in the exercise of their flood and coastal erosion risk management functions.

3.1.4 In Lancashire, the RMAs support partnership working in the following ways:

- at operational levels by joint investigations and through the Making Space for Water meetings;
- at tactical level by sharing priorities and direction between organisational managers, and
- at strategic level by engaging with Councillors/Cabinet Members/Senior Managers.

3.1.5 Lancashire, Blackpool and Blackburn-with-Darwen are also represented on the North West Regional Flood and Coastal Committee where cross-boundary projects, resources and data are shared with Cumbria, Greater Manchester, Merseyside and Cheshire.

3.1.6 The village of Earby in Pendle District is a special case in that it lies within a river catchment that falls towards North Yorkshire, so its local Environment Agency services are supplied through the Yorkshire team. This gives the Lancashire partnership a direct connection to the Yorkshire Regional Flood & Coastal Committee. Earby also receives services from the Earby and Salterforth Internal Drainage Board (IDB), which replaces a number of the lead local flood authority functions.

3.2. The Risk Management Functions

The RMAs have responsibility for flood risk management functions as defined under Section 4 (2) of the FWMA:

- (a) a function under this Part,
- (b) a function under section 159 or 160 of the Water Resources Act 1991,
- (c) a flood defence function within the meaning of section 221 of that Act,
- (d) a function under the Land Drainage Act 1991,
- (e) a function under section 100, 101, 110 or 339 of the Highways Act 1980, and
- (f) any other function, under an enactment, specified for the purposes of this section by order made by the Minister.

3.3. Riparian Landowners

3.3.1 The legal term 'riparian' is applied to landowners who own land adjoining or containing a river or watercourse. They have certain rights to use the water flowing

across their land for their own purposes, and in regard to flood risk management they also have a number of responsibilities, including the following:

- to maintain the bed and banks of the watercourse, and also the trees and shrubs growing on the banks
- to clear any debris, even if it did not originate from their land. This debris may be natural or man-made
- to keep any structures within their ownership clear of debris. These structures include culverts, trash screens, weirs and mill gates

3.3.2 If riparian landowners do not fulfil their responsibilities they may face enforcement action taken by the relevant RMA.

4. Interconnections between responsibilities

4.1 Public sewers in Lancashire are principally the responsibility of United Utilities plc or Yorkshire Water plc. Copies of the record maps indicating the location of public sewers in Lancashire are held in the water companies head offices. These companies also keep records of pumping stations and any water treatment works which form part of the public sewage system.

4.2 Private drainage systems are the responsibility of each owner whose property it drains. Where more than one property uses a private pipe, responsibility is normally shared proportionately. The private system comprises all the pipes up to the point of connection with a public sewer (this can include the entire system where connected to a septic tank, cesspool or soakaway). Formal records indicating the location of private drainage systems are not held by any RMA. The deeds of a property may include details.

4.3 The highway surface water drainage of all adopted public roads, other than trunk roads or motorways, is the responsibility of LCC as the local highway authority, including roadside drainage gullies and certain roadside ditches. Drainage from trunk roads and motorways is the responsibility of Highways England (formerly the Highway Agency). Drainage of private unadopted roads is normally the responsibility of private property owners who make use of or adjoin the road.

4.4 Land drainage comprises systems of rivers, watercourses, ditches, culverts, pipes, lakes and ponds intended to drain water resulting from rainfall and flows from underground sources. Typically the primary responsibility for maintaining responsible flows in land drainage systems lies with the riparian owner or owners, with the LLFA, Environment Agency, IDB or local councils holding enforcement powers to use if the land owner/s default in their duties.

4.5 All drainage systems eventually discharge into the sea as the lowest possible point for water to collect. In Lancashire, this is at Morecambe Bay or the Irish Sea directly.

4.6 All drainage networks are formed from combinations of these systems to overcome historic demands of efficiency, simplicity and convenience. For example, a highway gully may well connect to a length of highway drainage pipe before connecting to a private ditch, or a public surface water sewer, or directly to a main river. The original reasoning for these arrangements may now be forgotten or inappropriate for current

needs, but the physical interconnection of drainage systems means that it is often impossible to tell just from looking at flood water exactly where the barrier to flow arises and therefore exactly which organisation may need to take remedial action.

4.7 It is therefore vital for the RMAs to share information and collaborate during investigations and that they are allocated to the appropriate organisation to lead.

5. Key Functions of the RMAs

5.1 Environment Agency

The flood risk management responsibilities of the Environment Agency include the following:

- a. strategic overview for all forms of flooding;
- b. provision of a National Strategy for Flood and Coastal Erosion Risk Management (FCERM) to cover all forms of flooding;
- c. a power to request information from third parties in connection with flood risk management duties. Risk management authorities have a duty to co-operate with the Environment Agency in the provision of such information;
- d. a duty to co-operate with other relevant authorities in the exercise of flood risk management functions, which may include the sharing of information with other relevant authorities;
- e. a duty to have regard to Local Flood Risk Management Strategies;
- f. a duty to be subject to scrutiny from lead local flood authorities' democratic processes;
- g. responsibility for managing coastal flooding;
- h. responsibility for managing fluvial flooding from main rivers;
- i. updated provisions for the regulation of reservoirs;
- j. permissive powers to carry out maintenance work on main rivers under Section 165 of the Water Resources Act 1991;
- k. the provision of flood forecasting and warning services;
- l. the provision of flood maps;
- m. the provision of flood related information and advice;
- n. investment in flood defences, supplemented through partnership funding where appropriate;
- o. a power to take enforcement action where flow in a main river has been impeded and may cause a flood risk.

5.2 Lancashire County Council

5.2.1 LCC has a dual risk management role, in its capacity as both highway authority and LLFA.

5.2.2 The County Council as the LLFA has a number of duties and powers, in addition to the duty to investigate flooding set out above. These include:

- a. a duty to develop, maintain, apply, monitor and consult on an LFRMS for its area (copy available from the LCC website www.lancashire.gov.uk);
- b. a duty to develop and maintain a register of structures or features which might impact on flood risk, including ownership and condition (the Flood Risk Asset Register is available on the LCC website www.lancashire.gov.uk);

- c. the management of the consenting process for works that are likely to affect the flow characteristics of ordinary watercourses (Land Drainage Consent – guidance available on the LCC website www.lancashire.gov.uk);
- d. a power to undertake works for managing flood risk from surface run-off or groundwater;
- e. a power to request information from third parties in connection with flood risk management duties. RMAs have a duty to co-operate with the LLFA in the provision of such information;
- f. a power to designate structures and features that affect flooding or coastal erosion.
- g. a power to take enforcement action where there is an obstruction to an ordinary watercourse that may cause a flood risk.

5.2.3 LCC as the local highway authority has a duty under the Highways Act 1980 to maintain highways that are maintainable at public expense. This includes responsibility for highway drainage, as well as for the condition and safety for users of all highway assets including roads, footways, bridges and culverts, street lighting and traffic signals.

5.2.4 as local highway authority, LCC has a duty to co-operate with other relevant authorities in the exercise of flood risk management functions, which may include the sharing of information with other relevant authorities

5.2.4 LCC also has private responsibilities for land drainage where it is a land owner.

5.3 City and Borough Councils

5.3.1 The flood risk management responsibilities of City and Borough councils include the following:

- a. a power to designate structures and features that affect flooding or coastal erosion;
- b. a duty to exercise their flood risk management functions in a manner consistent with local and national strategies, and to have regard to those strategies in their other functions;
- c. a duty to be subject to scrutiny from LLFAs democratic processes;
- d. a power to do works on ordinary watercourses
- e. a duty to co-operate with other relevant authorities in the exercise of flood risk management functions, which may include the sharing of information with other relevant authorities.
- f. a power to take enforcement action where there is an obstruction to an ordinary watercourse that may cause a flood risk.

5.3.2 City and Borough Councils have a number of wider functions and roles that can be relevant to flood risk management and response. These include local planning, housing, environmental health and community engagement activity, as well as private responsibilities for land drainage where they are a land owner.

5.4 Internal Drainage Board

5.4.1 An Internal Drainage Board (IDB) is a local public authority established in areas of special drainage need in England and Wales. IDBs have permissive powers to manage water levels within their respective drainage districts. IDBs undertake works to reduce flood risk to people and property and manage water levels to meet local needs.

5.4.2 The expenses of an IDB are predominantly funded by the local beneficiaries of the water level management work they provide. Each IDB sets a budget for its planned work in the forthcoming year and any investments it needs to make for future projects.

5.4.3 More information about IDBs can be found from the Association of Drainage Authorities (www.ada.org.uk)

5.5 Water Companies

The flood risk management responsibilities of water companies (in Lancashire: United Utilities plc and Yorkshire Water plc) include the following:

- a. a duty as sewage undertakers under Section 94 of the Water Industry Act 1991, to provide & maintain sewers for the drainage of buildings and associated paved areas within property boundaries;
- b. responsibility as sewerage undertakers for lateral drains and public sewers, the latter being defined as a conduit, normally a pipe that is vested in a Water and Sewerage Company, or predecessor, that drains two or more properties and conveys foul, surface water or combined sewage from one point to another point and discharges via a positive outfall;
- c. responsibility for any flooding which is directly caused by its assets – i.e. its water or sewerage pipes;
- d. a duty to be subject to scrutiny from local flood authorities' democratic processes;
- e. a requirement to exercise flood risk management functions in a manner consistent with the national strategy and guidance and have regard to the local strategies and guidance;
- f. a duty to co-operate with other relevant authorities in the exercise of flood risk management functions, which may include the sharing of information with other relevant authorities.

6 Civil Contingencies Responsibilities

The RMAs listed above (with the exception of the IDBs) have additional responsibilities under the Civil Contingencies Act 2004, which provides the statutory basis for dealing with a response to flooding in emergency situations. These include flood preparedness planning and flood response.

External Scrutiny Committee

Meeting to be held on Monday, 4 June 2018

Electoral Division affected: None;

External Scrutiny Committee Work Programme 2018/19

(Appendix 'A' refers)

Contact for further information:

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Executive Summary

The work programme for the External Scrutiny Committee is presented at appendix 'A'.

Recommendation

The External Scrutiny Committee is asked to note and comment on the report.

Background and Advice

A statement of the work and potential topics to be undertaken and considered by the External Scrutiny Committee for the remainder of the 2018/19 municipal year is set out at appendix 'A'. The work programme is presented to each meeting for information.

The work programme is a work in progress document. The topics included were identified at the work planning workshop held on 8 May 2018.

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Risk management

This report has no significant risk implications.

Local Government (Access to Information) Act 1985
List of Background Papers

Paper	Date	Contact/Tel
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N/A

Reason for inclusion in Part II, if appropriate

N/A

External Scrutiny Committee Work Programme 2018/19

The External Scrutiny Committee Work Programme details the planned activity to be undertaken over the forthcoming municipal year through scheduled or extraordinary Committee meetings, task group, events and through use of the 'rapporteur' model.

The items on the work programme are determined by the Committee following the work programming session at the start of the municipal year in line with the Overview and Scrutiny Committees terms of reference detailed in the County Council's Constitution. This includes provision for the rights of County Councillors to ask for any matter to be considered by the Committee or to call-in decisions.

Coordination of the work programme activity is undertaken by the Chair and Deputy Chair of all of the Scrutiny Committees to avoid potential duplication.

In addition to the terms of reference outlined in the [Constitution](#) (Part 2 Article 5) for all Overview and Scrutiny Committees, the External Scrutiny Committee will:

1. Review and scrutinise issues, services or activities carried out by external organisations including public bodies, the voluntary and private sectors, partnerships and traded services which affect Lancashire or its inhabitants, and to make recommendations to the Full Council, Cabinet, Cabinet Members, Cabinet Committees or external organisations as appropriate.
2. Review and scrutinise the operation of the Crime and Disorder Reduction Partnership in Lancashire in accordance with the Police and Justice Act 2006 and make reports and recommendations to the responsible bodies as appropriate
3. In connection with 2. above, to require an officer or employee of any of the responsible bodies to attend before the Committee to answer questions
4. Co-opt additional members in accordance with the Police and Justice Act 2006 if required, and to determine whether those co-opted members should be voting or non-voting
5. Review and scrutinise the exercise by risk management authorities of flood risk management functions or coastal erosion risk management functions which may affect the local authority's area

The Work Programme will be submitted to and agreed by the Scrutiny Committees at each meeting and will be published with each agenda.

The dates are indicative of when the External Scrutiny Committee will review the item, however they may need to be rescheduled and new items added as required.

Appendix 'A'

Topic	Scrutiny Purpose (objectives, evidence, initial outcomes)	Initial Scrutiny Method	Lead Officers/organisations	Proposed Date(s)	Recommendations	Progress
Flood Risk Management	Partnership working	Committee	United Utilities	June		
Governance of Police and Fire and Rescue Services in Lancashire	Formulate recommendations on the local business plan and respond to public consultation	Committee	Police and Crime Commissioner, Chief Constable, Chief Fire Officer, Fire Brigades Union, Chair of Lancashire Fire Authority	July/Sept (extraordinary meeting tbc)		
Transport for the North (TfN)	Strategic Transport Plan	Committee	TfN	Autumn/winter		
Lancashire Enterprise Partnership (LEP)		Committee	Martin Kelly, Stephen Young...	Spring 2019		
Energy	Renewable and alternative. How are they coming together? A vision for Lancashire.	Scrutiny Inquiry Day/Committee	British Gas, Electricity North West, Lancashire Energy HQ, Natural Energy Wyre, Halite Energy, Ecotricity...	Autumn		
Community Safety Partnerships	Lancashire Community Safety Agreement - Either ; 1. Prevent;	Committee	LCC			

Appendix 'A'

Topic	Scrutiny Purpose (objectives, evidence, initial outcomes)	Initial Scrutiny Method	Lead Officers/organisations	Proposed Date(s)	Recommendations	Progress
	2. Serious Harm Reduction Strategy; 3. Pan-Lancashire Domestic Abuse Strategy; or 4. Towards Zero Lancashire: Road Safety Strategy for Lancashire.					
Advanced Manufacturing	Impact of Brexit	Rapporteur	North West Aerospace Alliance, BAE, UCLAN Engineering Innovation Centre (EIC)			
Homes England	Unlocking brownfield sites across Lancashire	Rapporteur	Homes England			

Additional suggestions:

- Flood Risk Management - partnership working and the Environment Agency (2019)

Bite size briefings:

- Universal Credit

