

Lancashire County Council

Scrutiny Committee

Minutes of the Meeting held on Friday, 10th October, 2014 at 10.30 am in Cabinet Room 'B' - County Hall, Preston

Present:

County Councillor Bill Winlow (Chair)

County Councillors

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|-----------------------|-------------|
| A Barnes | C Pritchard |
| D Clifford | A Schofield |
| C Crompton | J Shedwick |
| R Newman- Thompson | D Watts |
| Mrs L Oades | G Wilkins |
| D O'Toole | |

County Councillors Darren Clifford and Alan Schofield replaced County Councillors Miles Parkinson and Christian Wakeford respectively.

1. Apologies

There were no apologies.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

None were disclosed.

3. Minutes of the Meeting held on 12 September 2014

Resolved: That the minutes of the meeting held on 12 September be confirmed and signed by the Chair.

4. Regulation of Investigatory Powers

The Chair welcomed Ian Young, County Secretary and Solicitor, and Mandy Maxim, Trading Standards Manager, to the meeting.

A report was presented on how the Regulation of Investigatory Powers Act 2000 (RIPA) provided a framework for certain public bodies, including local authorities, to use 'covert surveillance' gather information about individuals without their knowledge for the purposes of undertaking statutory functions in connection with the prevention or detection of crime.

Within the County Council covert surveillance was used very infrequently and only in connection with Trading Standards activities, typically against rogue traders, counterfeiters or individuals engaged in selling tobacco or alcohol products to underage children. It was used in cases where it was important to obtain information to support potential criminal proceedings where that information could not be obtained by any other means.

RIPA activity and authorisations are governed by Codes of Practice and Guidance issued by the Office for Surveillance Commissioners (OSC) and the Home Office. Local authorities were also subject to regular inspections undertaken by OSC.

Inspectors looked at policy documents and the staff involved. Inspections took place tri-annually and the Council was last inspected by the OSC on 3 February 2014 and their written report had been received and was considered by cabinet on 5 June 2014.

The committee noted the information provided and recognised that this represented a small and appropriated regulated aspect of the work of the council's Trading Standards service.

Resolved: That the Committee noted:

- i. The adoption of the revised authorisation arrangements agreed at Cabinet on 10 June 2014
- ii. The publication of the revised RIPA Policy agreed at Cabinet on 10 June 2014
- iii. The response made to the OSC by the Chief Executive on 10 June 2014,.
- iv. The use made of RIPA by the Council Trading Standards Service since the last report in September 2013.

5. Position Statement on Flood Risk Management Related Issues - Land Drainage Management, Partnership Working, General Update

The Chair welcomed Rick Hayton, Assistant Director (Strategic Network Management); Ian Welsby, Head of Flood Risk Management; and Robert Tidswell from United Utilities to the meeting.

A report was presented on an update requested by the Scrutiny Committee, setting out the County Council's current position on the following flood risk management issues:

- Land Drainage Management in the Alt Crossens Catchment, West Lancashire
- General Flood Risk Management Update
- United Utilities Preston Tunnel Scheme

The Flood and Water Management Act which came into force in April 2010 gave the County Council the role of Lead Local Authority. This legislation introduced a number of core duties for the County Council, but also an equivalent need to work partnership with other agencies on wider issues related to water and flood risk management.

In relation to the Alt Crossens catchment area, Councillors noted that changes to government policy to target Environment Agency (EA) resources to the protection of life and property had meant that the discretionary land drainage activity formerly supported by the EA in the largely agricultural Alt Crossens area was a major issue requiring resolution.

The committee were advised that work was still ongoing amongst the partners involved in the issue to explore the option of an Internal Drainage Board (IDB), and that this was the preferred option. However, it was reported that there would be no additional government funding for any new IDB (unlike existing IDBS in other parts of the country). A number of options were under consideration.

The committee expressed great concern about the impact of the governments' policy in this area, noting the potentially massive impact on the nationally significant agricultural economy of the area. It was confirmed that an Economic Impact Plan being developed to look at the impact on the economy and infrastructure.

The committee recognised that government funding was limited and that priorities needed to be set, but felt that the impact on the area would be significant and damaging. Whilst recognising and praising the work of the partner organisations, particularly West Lancashire Borough council and the county council, concerns were expressed about the role of government agencies, and it was felt that it would be appropriate to invite the EA to a future meeting of scrutiny to discuss this issue, in particular its economic impact.

It was further noted that there were very early discussion underway about a possible IDB in the Fylde area.

In relation to the maintenance of the watercourses, it was recognised that this was the responsibility of the riparian landowners, and that this responsibility would be felt more keenly with the withdrawal of EA support of the existing pumping stations. Guidance was provided, and the EA were working with landowners to advise how this work could best be carried out.

The committee discussed the government's consultation on the future of the delivery of sustainable drainage systems (SuDS), and the proposal to take responsibility away from the Lead Local Authority, as had originally been intended in the Flood and Water Management Act 2010. The committee expressed great concern at this proposal, believing that the expertise lay with the county council, and that district councils would struggle to properly resource such a vital function in the manner proposed in the consultation. Concerns were also raised about the lack of clarity on charging mechanisms for householders, and

that the county council, as Lead Local Authority for Flood Risk Management was not currently a statutory consultee on planning application considered by district councils. It was felt that district councils should be encouraged to engage with the county council on an informal basis on such issues in the meantime.

The committee noted that a response from the county council was being produced for that Cabinet member to agree, and requested that the views of the committee that the SUDS approval process should be as originally intended in the legislation and not as set out in the revised proposals be included in support of the Cabinet Member's formal response. It was also felt that district councils, which were understood to support the county council's position, be encouraged to respond to the consultation.

In relation to the measures being taken by a number of bodies to address various aspects of flood risk, the committee requested a copy of the flood risk asset register be provided to all councillors and that a full list be produced of all of the work planned to address flood risk by all partners. It was recognised that, as this would require the input of a number of partners, this would take some time to produce, but it was felt that it would prove to be a helpful reference document for councillors and the public.

The Committee then received a presentation from United Utilities about the work recently undertaken in Preston. The complexity and the significance of the work was recognised, and the committee expressed their appreciation of the work now completed. It was agreed that the issue of bathing water quality would also be a subject for discussion with the EA when they came to the Scrutiny Committee.

Resolved: That:

- i. the Environment Agency be requested to attend a meeting of the Scrutiny Committee, to discuss the position in relation to Alt-Crossens and other flood risk management issues, as well as the issue of Water quality
- ii. strong concerns about the approach of the Environment Agency and Defra to the issue of flooding in the Alt-Crossens area be expressed
- iii. The efforts of the County Council and West Lancashire District Council on the Alt-Crossens issue are welcomed
- iv. the views of the Committee on the Government Consultation on SuDS "Delivering Sustainable Drainage Systems" be included in the response from the Cabinet Member, including:
 - a. the committee's strong support for the original proposals in relation to SuDS, in preference to the proposals presented in this consultation
 - b. DEFRA provide clarity as soon as possible on mechanisms for charging householders for future maintenance of SUDS systems
 - c. that provision be made urgently for the Lead Local Flood Authority to be a statutory consultee on planning applications

- v. District Councils in Lancashire be encouraged to respond to the government's SuDs delivery consultation "Delivering Sustainable Drainage Systems"
- vi. District Councils be strongly encouraged to seek the views of the County Council's flood risk management officers until such point that the County Council becomes a statutory consultee on such matters, noting that excellent links have developed already between the county and district councils on this issue.
- vii. The Flood Risk Asset Register information be made available to Councillors
- viii. Further detail be provided to the committee on homes in Lancashire at risk of flooding and schemes being undertaken by the County Council and other stakeholders to address flood risks.

6. Work Plan and Task Group Update

The committee considered the workplan. It was agreed that the proposed item on the health service response to domestic abuse would be moved to the January meeting, and that the December meeting be set aside to consider the issue of child protection and child sexual exploitation, in the light of recent events and the debate at the last full council meeting. It was also agreed that an appropriate slot would be found for the EA to attend to discuss various issues raised in the previous item.

Resolved: That the workplan, as amended be approved.

7. Urgent Business

None.

8. Date of Next Meeting

It was noted that the next meeting of the Committee would be on Friday 7 November, at 10.30 at the County Hall, Preston.

I Young
County Secretary and Solicitor

County Hall
Preston

