

Cabinet (Resources) Panel

6 December 2016

Report title	Flood Risk Management Service Delivery Arrangements	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Steve Evans City Environment	
Key decision	No	
In forward plan	Yes	
Wards affected	All	
Accountable director	Ross Cook, City Environment	
Originating service	Highway Network	
Accountable employee(s)	Bob Willis	Head of Highway Network
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Report to be/has been considered by	Place Leadership Team	7 Nov 2016
	Strategic Executive Board	15 Nov 2016

Recommendation(s) for action or decision:

The Cabinet (Resources) Panel is recommended to:

1. Approve the use of Staffordshire County Council to assist City of Wolverhampton Council in the delivery of its statutory flood risk management duties.
2. Approve, subject to 1 above, that the Council enters into a legal agreement with Staffordshire County Council in respect of flood risk management delivery.

1.0 Purpose

- 1.1 To approve joint working with Staffordshire County Council and other Black Country authorities on flood risk management. This would substantially raise the level of service the Council would be able to provide in this widening area of work. It needs to be considered by Cabinet (Resources) Panel as there are resource implications for the City Council.

2.0 Background

- 2.1 Following severe flooding across Britain in 2007 the Flood and Water Management Act 2010 (FWMA) established City of Wolverhampton Council, along with other unitary authorities and county councils, as a Lead Local Flood Authority (LLFA) with specific duties and obligations relating to flooding from surface water, groundwater and ordinary watercourses.
- 2.2 The Council has sought to fulfil these statutory duties using contractors (for flood-related issues in planning applications) and a small in-house resource within the Highway Network Service Area. However this service delivery model is proving neither sufficient nor sustainable given competing demands on reduced staff resources (since the restructure of the Transportation Service in summer 2014) coupled with a lack of appropriate expertise and experience.
- 2.3 To provide an effective service to meet minimum statutory obligations we must consider a different service delivery option.
- 2.4 It is acknowledged that significant efficiencies can be achieved by the four Black Country Authorities working together on flood risk management. Joint working arrangements have been endorsed by the Association of Black Country Authorities (ABCA) and were approved by Cabinet Resources Panel on 29 July 2014. The publication of the Black Country Local Flood Risk Management Strategy in March 2016 is evidence of the success of this approach.
- 2.5 Staffordshire County Council have been providing LLFA support to Walsall Council since May 2015. They are now offering to extend this support to the other Black Country Authorities.

3.0 Proposal from Staffordshire County Council

- 3.1 Staffordshire is proposing to expand its existing Flood Risk Management Team from eight to ten officers to enable an integrated flood risk management service to be provided across Staffordshire, Wolverhampton, Sandwell and Walsall (for Dudley see 3.5). The immediate advantages of this structured shared service delivery model for Wolverhampton would be:
 - A step-change improvement in service capability, capacity, effectiveness and resilience from having a qualified and experienced team to discharge LLFA duties (see 3.2)

- Fully integrated joint working on flood risk across the city and 90% of its border
- Qualified and experienced officers to develop Sustainable Drainage Systems (SuDS) to support planning applications and wider city regeneration
- Easier recruitment and retention of staff with the wider career opportunities available in a structured, dedicated flood risk management team

3.2 Current LLFA duties include:

- Prepare, maintain, apply and monitor a strategy for local flood risk management working with partners such as Severn Trent Water and the Environment Agency
- Investigate significant local flooding incidents, including public consultation, and publish the results
- A statutory consultee role on planning applications for major developments with surface water drainage implications
- Carry out consenting and enforcement for works on ordinary watercourses
- Maintain a register of flood risk management assets
- Play a lead role in emergency planning and recovery after a flood event
- Participate in Trent Regional Flood and Coastal Committee (RFCC) processes regarding scheme development and programme management
- Undertake studies, bid for funds and arrange works to manage flood risk from surface runoff, ordinary watercourses and groundwater

3.3 The above duties are currently carried out in Wolverhampton at around 0.2 FTE of the Service Lead - Highway Assets post. In addition the LLFA workload will increase in future as the transfer of responsibilities from the Environment Agency to LLFAs gathers pace and regeneration policies mean more planning applications requiring a Statutory Consultee view.

3.4 The shared service arrangement would also proactively take forward the programme of work contained in the Action Plan for the Black Country Local Flood Risk Management Strategy (LFRMS). It must be emphasised that Wolverhampton would retain control of flood risk management within its boundary via representation on the management group for the contract that would be required to guide the arrangement. The Council would be able to divert more than half the 0.2 FTE resource referred to in 3.3 to other tasks within the widening Highway Network remit. The role of Staffordshire would be to deliver the Black Country LLFA duties and LFRMS Action Plan under the direction of the contract management group.

3.5 Dudley MBC currently has a dedicated resource for the LLFA role of 0.6 FTE. They therefore do not wish to enter into a shared service at this time but want some flexibility to join at a later date if their resources change. Existing liaison will continue to support collaborative working on flood risk management across the Black Country.

3.6 The total Staffordshire County Council staff resource to deliver the proposed shared service to Wolverhampton, Sandwell and Walsall would be:

Role	FTE
Flood Risk Manager	0.2
Flood Risk Officer	1.1
Sustainable Drainage Systems Officer	0.4
Land Drainage Engineer	0.3
Flood Risk Management Technician	0.2
Sustainable Drainage Systems Technician	0.4

3.7 Sandwell and Walsall Councils have already indicated their willingness to enter into an initial 3-year shared service arrangement with Staffordshire County Council. Without similar support the level of service we can provide to Wolverhampton's residents, businesses and visitors is unlikely to be able to meet our minimum statutory obligations and be poor in comparison to our neighbours.

3.8 Alternative service delivery models have been considered including staff recruitment, engaging further external service provision using existing professional service framework contracts and retaining the current mix of in-house plus contractor resource. However the proposed shared service delivery arrangements are not only estimated to be the lowest in cost but also bring the advantages outlined above including scale, continuity, breadth, depth and "buy-in" to the local service offer.

3.9 The proposed arrangement with Staffordshire County Council is therefore believed to offer the best overall value in providing an improved flood risk management service for Wolverhampton.

4.0 Financial implications

4.1 City of Wolverhampton Council's contribution to the cost of the shared service staff resource over a three year period would be £129,215 as detailed in the table below.

	2017/18	2018/19	2018/19	Total
	£	£	£	£
Contribution to staff resource costs	43,086	42,725	43,404	129,215

4.2 An annual revenue budget in the region of £60,000 exists for Surface Water Management from which the annual costs shown in the table above can be met. No additional annual costs are anticipated to be incurred against this budget.

4.3 The contribution in 2017/18 includes Staffordshire's costs for recruiting the two extra staff required to deliver the shared service arrangement – costs not incurred in subsequent years. [TT/11112016/O]

5.0 Legal implications

- 5.1 Section 101 of the Local Government Act 1972 allows local authorities to arrange for the discharge of any of their functions by another local authority.
- 5.2 In addition, Section 13(4) of the 2010 FWMA states that “a risk management authority may arrange for a flood risk management function to be exercised on its behalf by another risk management authority”.
- 5.3 The existing Service Level Agreement between Staffordshire County Council and Walsall Council can act as a starting point for the more rigorous contract or Collaboration Agreement required for this initial 3-year arrangement between Staffordshire, Wolverhampton, Sandwell and Walsall. [RB/12112016/C]

6.0 Equalities implications

- 6.1 The service that Staffordshire County Council currently operates is covered by an Equality Analysis which indicates that the service can deal with the differing requirements that groups in Staffordshire and Walsall, protected by the Equality Act 2010, would have of it.
- 6.2 If this report is approved the Council will negotiate a legal agreement that contains the required equality elements to ensure that the service operating in Wolverhampton will be one that is able to cater for the diverse needs of local people at risk of flood. Any future reports will confirm the details of this aspect of the relationship and service so that Councillors can be confident of the breadth and accessibility of service for people in Wolverhampton.

7.0 Environmental implications

- 7.1 If approved this report would significantly improve the Council’s ability to help safeguard Wolverhampton against the environmental impacts of flooding.

8.0 Human Resources implications

- 8.1 There are no Human Resources implications arising from this report. The Staffordshire County Council staff who would deliver the proposed shared service would remain officers of Staffordshire County Council.

9.0 Corporate Landlord implications

- 9.1 There are no Corporate Landlord implications arising from this report.

10.0 Schedule of background papers

- 10.1 none