

Highways and Transport Committee

Date of Meeting:	22 September 2022
Report Title:	It's Not Just Water
Report of:	Jayne Traverse, Executive Director of Place
Report Reference No:	HT/64/22-23
Ward(s) Affected:	All

1. Purpose of Report

- 1.1. This report seeks to highlight the findings of the former Environment and Regeneration Overview and Scrutiny Committee's Working Group.

2. Executive Summary

- 2.1. The Working Group of the former Environment and Regeneration Overview and Scrutiny Committee comprised six Committee Members and one co-opted Member. It began a Task and Finish piece of work at the beginning of 2021 to investigate the manageable causes and impacts of severe flooding across Cheshire East, including flood risk management, recovery, and the reduction of future risk.
- 2.2. The review was commenced during the pandemic and was conducted entirely remotely using Microsoft Teams. No site visits were possible at that time.
- 2.3. The Working Group met with industry partners, technical experts, a peer local authority, residents and David Rutley MP to better understand their respective experiences of this topic. This was with the aim of helping to form the key recommendations coming out of the review.
- 2.4. This report commenced via the Scrutiny Committee under the cabinet system of governance. Cheshire East Council adopted a committee system of governance in April 2021 and the originating committee no longer exists. The Highways and Transport Committee is now the relevant committee to receive this report.

- 2.5.** It's Not Just Water and accompanying Appendices are the findings of the Working Group presented to the Highways and Transport Committee.

3. Recommendations

- 3.1.** That the Highways and Transport Committee:
- 3.1.1.** Receive from the Task and Finish Group the report "It's Not Just Water" as contained at Appendix A, relating to the important issue of effective flood risk management.
- 3.1.2.** Note the recommendations of the report.
- 3.1.3.** Note that the some of the recommendations within the "It's Not Just Water" report have financial implications that are not covered by the current MTFS.
- 3.1.4.** Note the proposals contained within the report require additional funding which is not within the current budgetary framework.
- 3.1.5.** Invite the Executive Director Place to present a further report to a future committee, upon what recommendations can be progressed, in line with the MTFS.

4. Reasons for Recommendations

- 4.1.** This report is part of the Council's commitment to being open and transparent.
- 4.2.** During the review, Cheshire East Council moved from a Cabinet form of governance to a Committee style of governance, and a "Transitional Provisions and Future Constitutional Work" report was approved by Council on 19 April 2021. This report is within the remit of that report, which forms the basis of why the matter is being reported to the Highways and Transport Committee.
- 4.3.** The oversight of the delivery of the Lead Local Flood Authority (LLFA) has been delegated by Cheshire East Council to the Highways and Transport Committee. Cheshire East Council is unable to delegate the statutory responsibility of the Lead Local Flood Authority to any other third party.
- 4.4.** The new Scrutiny Committee retains terms of reference is restricted to Local Government Act 2000 section 9JB in relation to scrutiny of a risk management authorities¹ flood risk management function which may affect Cheshire East.

¹ Risk management authorities and flood risk management are defined in the Flood and Water Management Act 2010 Sections 4 and 6.

5. Other Options Considered

5.1 Other options considered include:

Do nothing-

a) Not inviting the Executive Director to report back

or

b) Inviting scrutiny to review/reconsider/update the proposals taking into account Highways Committee comments.

or

c) Setting up a sub-group of Highway Committee to consider further.

5.2 The reason for not recommending these at this stage is to allow the Executive Director to report back on feasibility of the proposals which may then lend itself to one of the above, i.e.do nothing or do something.

6. Background

6.1. The LLFA is a statutory function of the Council, which is responsible for working with flood risk management authorities, publishing the local flood risk management strategy, issuing guidance about the application of the strategy and to facilitate managing the local risk of flooding from surface water, ordinary watercourses, and groundwater sources.

6.2. Cheshire East Council is the lead local flood authority and is also the Highways Authority. The Highways Authority is the flood Risk Management Authority ("RMA") for Highways, under the Flood and Water Management Act 2010 ("FWMA").

6.3. The LLFA is one of a number of statutory bodies which have a responsibility for flood risk management in the Cheshire East borough with the other notable third parties being the Environment Agency and United Utilities. (FWMA S.6 (13))

6.4. The day-to-day delivery of the LLFA function is undertaken by Ringway Jacobs via the highways contract, alongside a host of other services relating to management, maintenance and improvement of the Councils single largest asset, the public highway.

6.5. The highways contract with Ringway Jacobs commenced in 2018 and has a fixed 8 year initial duration followed by further annual performance based extensions up to a maximum of 15 years. The contract has a series of performance indicators which are reported to Highways and Transport Committee bi-annually.

- 6.6. On the 21 September 2020, the Environment and Regeneration Overview and Scrutiny Committee resolved to establish a Task and Finish Committee to undertake an in-depth examination and review of flooding and flood risk management across Cheshire East.
- 6.7. The review asked members to understand, scrutinise and review the impacts of the 2016 and 2019 flooding events that occurred across various areas of Cheshire East (e.g., Poynton, Kettlethulme, Adlington, Prestbury, Nantwich and Bollington).
- 6.8. The review sought to consider the manageable causes and impacts of severe flooding across Cheshire East including flood risk management, recovery and reducing the future risk of flooding.
- 6.9. A summary of the process, engagement undertaken by and conclusions of the Working Group are contained in the report titled “It’s Not Just Water”, which can be found at Appendix A.

7. Consultation and Engagement

- 7.1. A volume of consultation and engagement has been undertaken by the Working Group a detailed summary of which can be found at Appendix A.

8. Implications

8.1. Legal

- 8.2. The legal implications of specific proposals will be addressed in the further report to committee

8.3. Finance

- 8.3.1. The “It’s Not Just Water report contains a number of proposals and recommendations that have financial implications that are not covered by the current MTFS. .
- 8.3.2. The financial implications of specific proposals will be addressed in the further report to committee.

8.4. Policy

- 8.4.1. The Flood and Water Management Act 2010 (FWMA2010) places a number of statutory duties on the Council
- 8.4.2. As part of its statutory duties as lead Local Flood Authority the Council has developed its Local Flood Risk Management Strategy which sets out a framework for managing the risk of local flooding in Cheshire East.
- 8.4.3. This report presents no additional policy related implications.

8.5. Equality

8.5.1. There are no equality related implications of this report.

8.6. Human Resources

8.6.1 None.

8.7. Risk Management

8.7.1 A summary of the risks associated with legal, financial and human resource implications of a decision to support the Working Group recommendations have been set out in the relevant sections of this report

8.8. Rural Communities

8.8.1 The risk of flooding is present to both rural and urban communities and is very much location and weather event specific.

8.9. Children and Young People/Cared for Children

8.9.1 Flooding may cause displacement and homelessness during and after the event and schools may be important facilities to form part of the emergency response by providing shelter for local residents affected. This will cause disruption in various ways including to the education of children and young people.

8.9.2 The Council as LLFA will work with the residents, the local community, emergency services and other flood risk management stakeholders to help best prepare for such events, deal with the emergency and recovery afterwards to provide resilience and mitigate the impacts.

8.10. Public Health

8.10.1 Floods may cause injury/death, infectious disease outbreak, chemical contamination. The Council uses its powers as far as reasonably practicable as the LLFA to mitigate and reduce these risks.

8.11. Climate Change

8.11.1 Climate change implications and their direct effect on flooding and flood risk management have been considered in detail at section 4 of the Working Group report, see Appendix A.

Access to Information	
Contact Officer:	Tom Shuttleworth Interim Head of Highways tom.shuttleworth@cheshireeast.gov.uk
Appendices:	Appendix A – ‘It’s Not Just Water’ Working Group Report

	Appendix B – Summary of proposed additional LLFA roles
Background Papers:	<p>The resolution by the Environment and Regeneration Overview and Scrutiny Committee to form the Task and Finish Group: Agenda for Environment and Regeneration Overview and Scrutiny Committee on Monday, 21st September, 2020, 10.00 am Cheshire East Council</p> <p>The resolution by the Environment and Regeneration Overview and Scrutiny Committee for Members to establish the Task and Finish Group: Agenda for Environment and Regeneration Overview and Scrutiny Committee on Monday, 19th October, 2020, 10.00 am Cheshire East Council</p> <p>Appendix One: Flooding Major Incidents: Experiences of Poynton Residents</p> <p>Appendix Two: Section 9JA and 9JB of the Local Government Act 2000</p> <p>Appendix Three: Section 19 (1) and (2) of the Flood and Water Management Act (2010)</p>