

ABERDEEN CITY COUNCIL

COMMITTEE	Enterprise Planning and Infrastructure
DATE	11 September 2012
DIRECTOR	Gordon McIntosh
TITLE OF REPORT	Flood Risk Management (Scotland) Act 2009 – Governance Arrangements for the North East Local Plan District (NELPD)
REPORT NUMBER	EPI/12/166

1 PURPOSE OF REPORT

The Committee is asked to approve the governance arrangements for the North East Local Plan District (NELPD).

2 RECOMMENDATION(S)

2.1 It is recommended that the Committee:-

- a) Agree the governance arrangements for the NELPD.
- b) Appoint a Member to the NELPD

3 FINANCIAL IMPLICATIONS

The proposed governance arrangements have no direct financial implications. Travel costs will be incurred but these should be contained within existing budgets.

As the scope of the work required to implement the impacts of the Act becomes clearer, it may be necessary to increase the present allocated staffing level of 1.5 FTE to 3.5 FTE for a limited period. Any increase in staffing requirements would be met from existing budgets.

4 OTHER IMPLICATIONS

The Council has a statutory obligation to work in partnership with SEPA and others in developing a National Strategy for Flood Risk Management, assisting in preparing a draft Local Plan, statutory consultation, obtaining ministerial approval and implementing measures

set out in the plan to reduce flood risk. The deadline for publishing the first draft plan is December 2014.

5 BACKGROUND/MAIN ISSUES

- 5.1 The Act came into force on 26 November 2009. It transcribes the EC Floods Directive into Scots Law, introduces new duties and simplifies how flood schemes are approved. It repeals the Flood Prevention (Scotland) Act 1961 although legacy Flood Prevention Schemes under that Act continue unaffected.
- 5.2 On 22 December 2011 SEPA, as required by the Act, published "Flood Risk Management Strategies and Local Flood Risk Management Plans". This was developed in partnership with the Scottish Advisory and Implementation Forum for Flooding (SAIFF), which has representation from the Scottish Government, SEPA, local authorities and Scottish Water.
- 5.3 The publication referred to in 5.2 above finalised the management arrangements for flood risk management planning. Aberdeen City Council will be in the North East Local Plan District with Aberdeenshire and Moray Councils. Aberdeenshire will be the lead authority.
- 5.4 On 22 December SEPA also published the National Flood Risk Assessment which identified the following potentially Vulnerable Areas (PVA's) in Aberdeen City.

Ref:- - 06/15 – River Don
06/16 – Bridge of Don (North)
06/17 – Kingswells
06/18 – River Dee
06/19 – Culter

- 5.5 Under Section 16 of the Act Scottish Water must assess sewer flood risk. Because of the highly integrated sewer and drainage system within the city this is being addressed by a partnership initiative led by Scottish Water with funding contributions from ACC and Aberdeenshire Council. See Report to EP&I dated 31 May 2012.
- 5.6 SEPA will set objectives and develop strategies for measures to reduce flood risk for all fourteen LPDs, in consultation with Responsible Authorities and publish the Draft National Flood Risk Strategy in December 2014 for consultation. It will prioritise measures nationally.
- 5.7 Lead Local Authorities (LLA's) will publish Local Flood Risk management Plans in two parts. The first will supplement the National Plan and be concurrent with it and the Second will set

out how measures will be implemented and funded. The commencement period of the second part lags the National Strategy by six months. The Plans run in six-year cycles with an interim review and report.

- 5.8 Draft and final plans must be approved by all parties in the Local Plan District. Because of the tight timescales, Member participation in the process prior to formal submission for Council approval is recognised as a high priority.
- 5.9 On 9 February 2012 the Minister for Environment and Climate Change, Stewart Stevenson MSP, launched – “Flood Risk Management Planning in Scotland – Arrangements for 2012 – 2016 (the Arrangements)” This is a comprehensive document that covers the timetable, roles and responsibilities under the Act and it can be found at: -

http://www.sepa.org.uk/flooding/flood_risk_management/national_flood_risk_assessment.aspx.

Governance Arrangements for the Local Plan Districts

- 5.10 Competent and Responsible Authorities must agree local flood risk management plans.
- 5.11 The arrangements set out in guidance (see link above) describe three options:
- Loose partnerships
 - Joint working (steering) groups
 - Joint committees

North East Local Plan District

- 5.12 At a meeting of officials hosted by, Aberdeenshire Council as LLA on 18 April 2012, it was agreed to propose the joint steering group model to each partner. The joint steering group would comprise officers from each Local Authority and a Member from each Local Authority.
- 5.13 The role of the Steering Group would be to oversee the work being carried out by the local partnership, consider outputs from various work streams and make recommendations emerging from them. Decision making would remain within each organisation’s governance arrangements, e.g., the appropriate committee of this Council, but with a recommendation from the steering group.
- 5.14 The model and proposed remits of each group is detailed in **APPENDIX A**

6 IMPACT

The development of the flood risk management plans will involve considerable public consultation/engagement. This will be the subject of future reports to Committee.

7 BACKGROUND PAPERS

- a) Potentially Vulnerable Area Data Sheets 06/15-19 available at - http://www.sepa.org.uk/flooding/flood_risk_management/national_flood_risk_assessment/datasheets.aspx.
- b) Flood Risk Management Strategies and Local Flood Risk Management Plans available at – http://www.sepa.org.uk/flooding/flood_risk_management/national_flood_risk_assessment.aspx.
- c) Aberdeen Integrated Catchment Study – report to 31 May 2012 EP&I Committee. <http://councilcommittees/mgConvert2PDF.aspx?ID=2284&T=110>

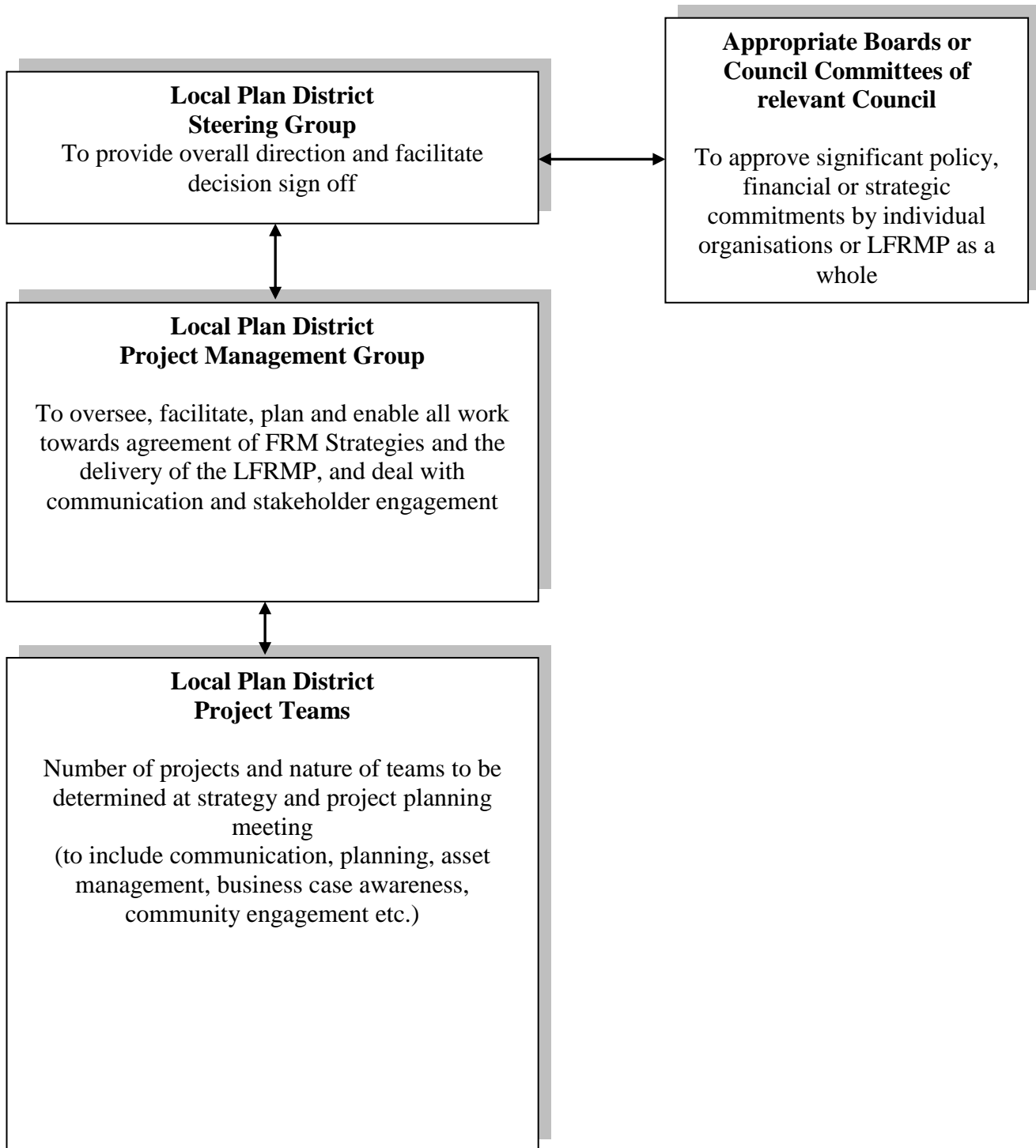
8 REPORT AUTHOR DETAILS

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Appendix A

FLOOD RISK MANAGEMENT (SCOTLAND) ACT 2009

GOVERNANCE ARRANGEMENTS FOR LOCAL PLAN DISTRICT PARTNERSHIPS



Local Plan District

Roles and responsibilities of the chairperson and members of all groups

Purpose / Role:-

To establish the overall responsibilities for the Chairpersons and Members of all LPD Groups, and to clarify individuals' roles and duties.

Role/Responsibilities:-

LPD Group Chairperson role and responsibilities are to:

1. Chair each meeting and ensure where practicable it keeps to the Agenda;
2. Direct the proceedings, encouraging participation;
3. Ensure that a programme of meetings for the calendar year are agreed and are established in Group Member's diaries. Manage any necessary changes to agreed meeting schedule;
4. Ensure a relevant, draft meeting Agenda is compiled and forwarded to Group Members by the Project Manager 1 week in advance of any meeting; ensure any additional pertinent issues raised by Group Members are added to the meeting Agenda prior to distribution, or covered under AOCB;
5. Ensure all papers are circulated in advance of the meeting;
6. Ensure that meeting Actions/Minutes are recorded and distributed within 2 weeks of of the meeting;
7. Monitor progress of actions in line with agreed timescales.
8. Clarify decisions and actions before the meeting ends.

LPD Group Members role and responsibilities are to:

1. Attend all Group meetings or at least ensure representation i.e. send a delegate.
2. Undertake and complete any agreed actions within agreed timescales.

Local Plan District Steering Group	
<p>Meetings: - FREQUENCY: <i>TBA</i> VENUE: Typically each Council in rotation DURATION: Generally half day CHAIR: Elected Member (Lead Local Authority)</p>	
<p>Responsibilities:- The responsibilities of the Board members are to:</p> <ol style="list-style-type: none"> 1. Agree Objectives, resources and other measures agreed by the Project Management Group; 2. Consider resource and organisational issues as necessary; 3. Agree co-funding mechanisms for shared commissions; 4. Agree funding contributions for co-funded work; 5. Support funding bids for implementation of the LFRMP; 6. Recommend organisation approval of FRM Strategy and local FRM Plan; 7. Recommend to their organisation delivery mechanism for the LFRMP, including the partnership agreement and delegated authorities as appropriate; 8. Consider opportunities for joint working. 	<p>Inputs: as required</p> <p>Members: 1 Elected member from each LA 1 Senior representative from SW 1 Senior representative from SEPA Core Project Management Group Representatives of any future designated Responsible Authorities.</p>
Authority of the group:-	Members of group to have delegated powers to act on behalf of respective authorities up to prescribed limits (for discussion).
Direction	
Financial	Make recommendations to partner organisations' regarding funding and to agree funding within delegated powers. Monitor expenditure.
Approval	Approve Project Management Group recommendations.
Changes	Approve proposed programme changes.
<p>Scope:- All matters relating to the development/delivery of the [name] Local Flood Risk Management Plan and agreement of FRM Strategy.</p>	

[Name] Local Plan District Project Management Group	
<p>Purpose / Role:- To oversee, plan, facilitate and enable all work towards the agreement of FRM Strategy and the delivery of the Local Flood Risk Management Plan. To deal with all aspects of communications and stakeholder management. To provide technical input and to oversee all project work.</p>	<p>Meetings:- FREQUENCY: As required VENUE: As appropriate DURATION: Half day generally CHAIR: Project Manager</p>
<p>Responsibilities:- The detailed responsibilities of the Project Management Group are to :</p> <ol style="list-style-type: none"> 1. Agree Partnership Objectives and Requirements; 2. Ensure the agreed objectives and requirements will fulfil the relative organisation's duties under the Flood Risk Management (Scotland) Act 2009; 3. Agree priorities and proposals for the FRM Strategy and LFRMP; 4. Agree the delivery mechanisms (e.g. Partnership Working Arrangements, including level of involvement of each organisation, scope, governance, funding, accountability and roles and responsibilities) for the FRM planning process; 5. Agree the recommended work plan for delivery of the FRM Strategy and LFRMP; 6. Ensure the appropriate resources are made available (information, staff time, money) for the timely delivery of the FRM Strategy and LFRMP milestones; 7. Manage and report progress to the Steering Group members and relevant stakeholders; 8. Seek approval from Relevant Authority as appropriate; 9. Manage communications and stakeholder engagement; 10. Agree the procurement process for the appointment of Consultants/ Contractors/ Suppliers for shared commissions; 11. Establish and provide direction to Project teams and other project groups as required; 12. Make recommendations to the Steering Group. 	<p>Members: (specify)- Officers from each LA, SW and SEPA Project Manager to Chair and represent Lead LA Representatives of any future designated Responsible Authorities.</p> <p>Other Attendees:- As appropriate</p>
Authority:-	Lead and co-ordinate activities of Project Teams and other groups as appropriate. Draft Flood Risk Management Plan.
Direction	As per delegated authority within each partner authority. Monitor expenditure
Financial	As per delegated authority within each partner authority. Monitor expenditure
Approval	Agree apportionment of contributions for co-funded work. Recommend project award and initiation of co-funded work.
Changes	Approve changes including scope or cost to a level set by agreement and as agreed by the Steering Group and/or partner organisations
<p>Scope: All matters relating to the development/delivery of the [Name] Local Flood Risk Management Plan, based upon agreed objectives and requirements.</p>	

[Name] Local Plan District Project Teams									
<p>Purpose / Role:- To plan, execute and deliver projects and or Local Authority specific elements of work assigned to them in support of delivery and implementation of FRM Strategy and Local Flood Risk Management Plan.</p>	<p>Meetings:- FREQUENCY: as required VENUE: As appropriate DURATION: as required CHAIR: Project Team Leader</p>								
<p>Responsibilities:- The detailed responsibilities of the Project Teams are to:</p> <ol style="list-style-type: none"> 1. Plan, execute and deliver projects assigned to them; 2. Provide project descriptions, costs and durations for circulation to the Project Management Group; 3. Provide regular and monthly project progress reports to the Project Management Group; 4. Identify issues, concerns and potential changes to projects and advise Project Manager ; 5. Ensure adequate resources are made available to deliver projects as planned; 6. Identify financial requirements for delivery of projects and monitor spends. 	<p>Inputs:-</p> <ol style="list-style-type: none"> 1. Project brief from Project Management Group; 2. Delivery Programme; 3. Legislation, including regulations; 4. Studies; 5. Reports; and 6. Other information and data, as appropriate. <p>Members:- Specific to partner organisation. Project Team Leader (Chair) Technical specialists, as appropriate</p> <p>Other Attendees:- As appropriate.</p>								
<p>Authority:-</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">Direction</td> <td>Direct activities of specific project activities in line with overall Programme</td> </tr> <tr> <td>Financial</td> <td>Project specific – within contractual boundary</td> </tr> <tr> <td>Approval</td> <td>Project specific – within contractual boundary</td> </tr> <tr> <td>Changes</td> <td>Project specific – within contractual boundary</td> </tr> </table>	Direction	Direct activities of specific project activities in line with overall Programme	Financial	Project specific – within contractual boundary	Approval	Project specific – within contractual boundary	Changes	Project specific – within contractual boundary	
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Approval	Project specific – within contractual boundary								
Changes	Project specific – within contractual boundary								
<p>Scope:- Planning, execution and delivery of specific projects or specific elements of work.</p>									