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**Date:** *4 January 2013*

#### **NOTIFICATION OF PORTFOLIO HOLDER DECISION**

On 3 January 2013, Cllr Rickman, the Leader of the Council, made the following decision. Any member of the Council, who is not a Portfolio Holder, who considers that this decision should be reviewed should give notice to the Monitoring Officer (Grainne O'Rourke) (in writing or by e-mail) to be received **ON OR BY FRIDAY 11 JANUARY 2013**.

Details of the documents the Portfolio Holder considered are attached.

#### **DECISION:**

To enter into a collaborative working agreement with Hampshire County Council for the delivery of functions under the Flood and Water Management Act 2010.

#### **REASONS:**

As set out in the report considered by the Portfolio Holder.

#### **ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED:**

As set out in the report considered by the Portfolio Holder.

#### **CONFLICTS OF INTEREST DECLARED:**

None

#### **For Further Information Please Contact:**

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## **PROTFOLIO HOLDERS DECISION**

### **FLOOD AND WATER MANAGEMENT ACT 2010 – COLLABORATIVE WORKING AGREEMENT WITH HAMPSHIRE COUNTY COUNCIL**

#### **1. INTRODUCTION**

- 1.1 The purpose of this report is to set out proposals for a collaborative working agreement, which is intended to address specialist technical skills shortages and capacity issues at HCC and Hampshire district and borough authorities, in order to deliver the new duties and functions under the Flood and Water Management Act 2010.
- 1.2 Recent discussions with HCC have been held to explore what opportunities exist for both parties in combining resources to assist with the discharge of certain functions under a collaborative working agreement. This has the potential to make a significant contribution towards both Authorities obligations under the FWMA including the duty to co-operate and towards the ongoing search for service improvements and the delivery of efficiency savings.

#### **2. SHARED SERVICE PROPOSAL**

- 2.1 NFDC has a well established and experienced Land Drainage team. Changes following the implementation of the Flood & Water Management Act will result in a reduced role locally for this team, thereby creating some capacity. The skills held by the team are consistent with those required by HCC for some of their new responsibilities, particularly the assessment and approval of Sustainable Drainage Systems (SuDS). HCC propose setting up a dedicated team of experts to advise Hampshire Districts and Boroughs on discharging their functions under the Act. It is therefore proposed that NFDC resources are offered to HCC to become part of the body of experts.
- 2.2 The body of experts will be managed by HCC with the recruitment of a manager to lead, develop and co-ordinate resources and priorities.
- 2.3 The arrangement will be set up under the Section 1 of the Localism Act 2011. The governance structure under this model would be the creation of a Joint Management Board made up of the Executive Members from both Councils who have responsibility for functions under the Act.
- 2.4 Due to uncertainties around the fee income structure and the timing of the enablement of the SuDS role it is proposed to phase the collaborative working arrangements, initially setting up a skeletal specialist resource and keeping costs to a minimum for the core partners in the initial phase up to the anticipated enactment of the SuDS legislation from 31 March 2014. The next phase proposed would be to move towards a full cost recovery basis, with an increase in specialist staff resources to respond to demand, capacity and skills need. This will be matched to projected income from partners and fees from developers.

#### **3. FINANCIAL IMPLICATIONS**

- 3.1 It is proposed that the cost of an initial skeletal body of experts (HCC & NFDC) would be underpinned for a maximum period up to 31<sup>st</sup> March 2014 using the Department for Food and Rural Affairs (Defra) grant received by HCC to discharge its functions under the FWMA. For NFDC this will mean that the cost of Land Drainage resources allocated to this work would be fully funded by HCC.

#### **4. BENEFITS TO NFDC**

- 4.1 The proposed Land Drainage shared service arrangement will provide an element of certainty to the Council's current Land Drainage team. This will enable the retention of experienced staff in the short term whilst the detailed long term working arrangements for the delivery of responsibilities under the Flood and Water Management Act develop both nationally and locally.
- 4.2 Whilst being formal, the arrangement will provide sufficient flexibility to allow the collaborative working model to evolve and at the same time ensuring that NFDC costs are fully covered. If it is found that the arrangement does not work or needs to change significantly either party would be able to withdraw at any time.
- 4.3 The proposals for a collaborative agreement provide an opportunity for NFDC to maximise the efficient use of in-house resources and skills, working in partnership with HCC to the benefit of both organisations and the public as a whole.

#### **5. CONSULTATIONS**

- 5.1 A briefing report was presented to the 14<sup>th</sup> June 2012 meeting of the Environment Overview and Scrutiny Panel. The panel considered the report and welcomed the proposed arrangement.

#### **6. ENVIRONMENTAL IMPLICATIONS**

- 6.1 The delivery of effective drainage proposals and infrastructure construction will help prevent flooding.

#### **7. EQUALITY AND DIVERSITY IMPLICATIONS**

- 7.1 The new arrangements will ensure that decisions on functions under the Flood and Water Management Act are well informed and drainage on future developments is appropriately constructed. As a result, residents of new developments in Hampshire will enjoy the same protection from flood risk management services as residents of existing developments

#### **8. OTHER OPTIONS CONSIDERED**

- 8.1 The employment of consultants to discharge the function was considered and assessed as not being a cost effective way of discharging the function. In addition it would also not enable skills and capacity to be retained or developed within the public sector.
- 8.2 The setting up of agency arrangements with each district authority was considered. A Hampshire wide skills audit identified that technical skills to deliver the broad duties and functions of the F&WMA, in particular the sustainable drainage systems design and assessment are scarce. Capacity within these service areas is not available to deliver anticipated demand.

8.3 Setting up a specialist internal team at HCC was also considered. Currently the technical skills and capacity to deliver this function are not freely available within HCC. The recruitment and management support of additional staff was not considered cost effective.

## 9. RECOMMENDATION

9.1 That a collaborative working agreement, under Section 1 of the Localism Act 2011, to support the discharge of the new functions under the Flood and Water Management Act 2010, be entered into with Hampshire County Council. The terms of this agreement to be approved by the Executive Director in consultation with the Head of Property Services and the Head of Legal and Democratic Services.

## BACKGROUND PAPERS

The Flood & Water Management Act 2010

**PORTFOLIO HOLDERS ENDORSEMENT:** I agree to the recommendation

Signed: CLLR B RICKMAN

Date: 03/01/13

Cllr Barry Rickman

Leader of the Council

Date on which notice given for the decision: 4 January 2013

Last date for call in: 11 January 2013