

## SHEFFIELD CITY COUNCIL

**INDIVIDUAL CABINET MEMBER DECISION RECORD**

The following decision was taken on 6<sup>th</sup> August, 2012 by the Cabinet Member for Environment, Waste and Streetscene

\*Date notified to all Members: 8<sup>th</sup> August 2012

\*The end of the call-in period is 4.00 pm on 14<sup>th</sup> August 2012

\*Unless called-in, the decision can be implemented from 15<sup>th</sup> August 2012

\* To be completed by Democratic Services

1. **TITLE : The City Council's Duty to Investigate Flooding**

2. **DECISION TAKEN**

- (a) To approve the attached position statement on the City Council's duty to investigate flooding.

3. **Reasons For The Decision**

To enable the City Council to discharge its duty as Lead Local Flood Authority.

4. **Any Interest Declared Or Dispensation Granted**

None

5. **Respective Director Responsible For Implementation**

Simon Green, Executive Director of Place

6. **Relevant Scrutiny Committee If Decision Called In**

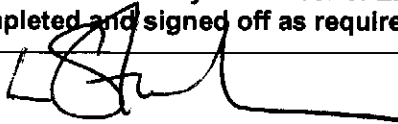
Economic and Environmental Wellbeing Scrutiny Committee

**SHEFFIELD CITY COUNCIL**  
**Decision by an Individual Cabinet Member**

1	Report Author (the Senior Responsible Officer (SRO) - Head of Service or Director):	Les Sturch, Director of Development Services	
2	Subject Matter:	The City Council's duty to investigate flooding	
3	Decision Maker (Name of Cabinet Member):	Councillor Jack Scott	
4	Cabinet Portfolio:	Cabinet Member for Environment, Waste and Streetscene	
5	Decision to be Taken:	To approve the attached position statement on the City Council's duty to investigate flooding	
6	Reason for the Decision (to show that relevant issues have been taken into account and irrelevant issues have been disregarded):	To enable the City Council to discharge its duty as Lead Local Flood Authority in accordance with the attached statement.	
7	Category of Report:	OPEN	
If closed, approved by: <i>In making this exemption, I have considered the presumption in favour of disclosure of information contained in the Freedom of Information Act, but consider that the public interest in maintaining the exemption outweighs the public interest in disclosing this information. The reasons for this are attached to this report.</i>  <i>Note: the decision not to disclose the information below should be taken by the member of EMT who approved submission at 14, below.</i>		Name:  Position:	
8	Is this a Key Decision? (tick ✓ one box)  A key decision is defined as part ( ) of the Constitution. All key decisions <u>must</u> be included on the Forward Plan.	Yes (if ticked, complete 9 & 10) <input type="checkbox"/>	
		No (if ticked, proceed to 11) <input checked="" type="checkbox"/>	
9	Date added to Forward Plan. The Forward Plan is maintained by Democratic Services and overseen by EMT. It is a statutory document which is published on the 15 <sup>th</sup> of every month and sets out the important decisions to be made in the following 4 months of the year		
10	Date the Report and Background Papers were sent to Democratic Services for publication in accordance with Access to Information Rules. All proposed Individual Member key decisions <u>must</u> be publicised on the Council's website, 5 clear working days before the decision is made.		
11	Does the matter cut across any other Cabinet Portfolios?  (tick ✓ one box)	Yes (if ticked go to 12)	
		No (if ticked go to 13)	✓
12	Which Other Portfolios are affected?		
13	Relevant departments consulted and comments incorporated/additional forms completed/EIA completed  Tick ✓ as required	Finance	<input type="checkbox"/>
		Legal	<input checked="" type="checkbox"/>
		Commercial	<input type="checkbox"/>
		HR	<input type="checkbox"/>

	Equalities	<input type="checkbox"/>
	P&FM	<input type="checkbox"/>
	Other (Please specify)	<input type="checkbox"/>

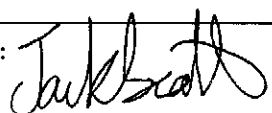
14 The appropriate SRO certifies that all necessary approval has been obtained in respect of Financial, Legal, HR, Commercial, Property and Equalities implications and that this Report has been approved for submission to the Cabinet Member by a member of Executive Management Team; in addition, any additional forms have been completed and signed off as required at 13.

Signed: 	Position: Director of Development Services
Print Name: Les Sturch	Date: 30 July 2012
EMT member who approved submission:	Simon Green, Executive Director of Place

15 Confirmation of Cabinet Member Decision

*This is an individual Cabinet Member decision, made in accordance with the Leader's Scheme of Delegation of Executive Functions.*

I confirm my decision as set out above. If relevant, I have completed the section 17 below titled 'Declaration of Personal Interests.'

Cabinet Member's Signature: 	Cabinet Portfolio:
Print Name:	Date and Time: 06/08/12. 1pm.

16 Confirmation of Agreement by other Cabinet Members whose Portfolios are affected by the Decision

I/We confirm my/our consent to the decision, as set out above, being made.

Add as many lines below, as necessary.

Cabinet Member's Signature:	Cabinet Portfolio:
Print Name:	Date and Time:
Cabinet Member's Signature:	Cabinet Portfolio:
Print Name:	Date and Time:

17 Declaration of Personal Interests

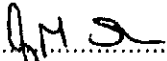
*The Cabinet Member making this decision must insert details here of all Cabinet Members (if any) consulted by him/her, including details of any conflicts of interest declared by consultees, and any dispensations granted by the Standards Committee to any conflicts of interest so declared:*

Cabinet Member:	Declaration: None/Stated here
Cabinet Member:	Declaration: None/Stated here
Notes:	
Background Papers:	

When all the necessary signatures have been obtained, this document should be delivered IMMEDIATELY to Democratic Services, Modern Governance, Room G13, Town Hall for publication.

PLEASE NOTE THIS DECISION CANNOT BE IMPLEMENTED UNTIL IT HAS BEEN PUBLISHED IN ACCORDANCE WITH THE ACCESS TO INFORMATION RULES AND THE RELEVANT PERIOD FOR CALL IN OF THAT DECISION HAS EXPIRED

**Date Received by Democratic Services**

Signature .....  ..... Date: ..... 7/8/2012 .....

Print Name ..... JENNIFER M. SKIBA .....



# SHEFFIELD CITY COUNCIL

## Individual Cabinet Member Report

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**Report of:** Simon Green, Executive Director of Place

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**Cabinet Portfolio:** Environment, Waste and Streetscene

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**Date:** 30 July 2012

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**Subject:** THE CITY COUNCIL'S DUTY TO INVESTIGATE FLOODING

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**Author of Report:** Les Sturch, Director of Development Services

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**Summary:**

As Lead Local Flood Authority (LLFA) for its administrative area, the City Council has a statutory duty to investigate flooding incidents.

The attached position statement outlines when and how the City Council will discharge this duty.

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**Reasons for Recommendations:**

To enable the City Council to discharge its duty as Lead Local Flood Authority.

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**Recommendations:**

To approve the attached position statement on the City Council's duty to investigate flooding.

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**Category of Report:** OPEN

If Closed add – 'Not for publication because it contains exempt information under Paragraph... of Schedule 12A of the Local Government Act 1972 (as amended).'

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## Statutory and Council Policy Checklist

<b>Financial Implications</b>
NO – Approval of Position Statement
<b>Legal Implications</b>
YES Cleared by: Julian Ward, Principal Solicitor, Legal and Governance
<b>Equality of Opportunity Implications</b>
NO
<b>Equality of Opportunity Implications</b>
NO
<b>Human Rights Implications</b>
NO
<b>Environmental and Sustainability Implications</b>
YES
<b>ESOS Implications</b>
YES
<b>Equality of Access Implications</b>
YES
<b>Human Resource Implications</b>
YES
<b>Energy Efficiency Implications</b>
YES
<b>Water Implications</b>
Environment
<b>Relevant Cabinet Portfolio Leader</b>
Environment, Waste and Streetscene
<b>Relevant Scrutiny Committee if decision called in</b>
Economic and Environmental Wellbeing
<b>Is the item a matter which is reserved for approval by the City Council?</b>
NO
<b>Responsible</b>
NO

## **SHEFFIELD CITY COUNCIL**

### **POSITION STATEMENT ON THE CITY COUNCIL'S DUTY TO INVESTIGATE FLOODING**

#### **1. Duty to Investigate**

1.1 The Flood and Water Management Act 2010 places a duty on the City Council, as Lead Local Flood Authority (LLFA), to investigate flooding in its area arising from whatever source.

1.2 Section 19 of the Act states:

*(1) On becoming aware of a flood in its area, an LLFA must, to the extent that it considers it necessary and appropriate, investigate –*

*(a) which risk management authorities have relevant flood risk management functions and*

*(b) whether each of those risk management has exercised, or is proposing to exercise, those functions in response to the flood.*

*(2) Where an authority carries out an investigation under subsection (1) it must –*

*(a) publish the results of its investigation, and*

*(b) notify any relevant risk management authorities.*

#### **2. Threshold Criteria for a Section 19 Investigation**

2.1 When the Council becomes aware of a flooding incident, it must decide whether the incident requires a Section 19 investigation.

2.2 To inform this decision, the City Council has set the following flooding threshold criteria for its area:

a) 6 or more residential, business or commercial properties are affected by internal flooding and/or

b) 1 or more critical infrastructure facility is, or is close to being, adversely affected by flooding (such as a hospital, medical centre or clinic, nursing home, school, electrical sub-station, emergency service station etc) and/or

c) A principal transport link has been made totally impassable for a significant period at a peak time.

2.3 Other factors that will be taken into account in determining whether a Section 19 flooding investigation is required are:

a) depth and/or velocity of flooding (risk to life and limb).

b) frequency of flooding at the location.

c) requests to investigate received from elected members, committees or other elected bodies.

Please note that the above thresholds and factors are a guide and a certain degree of flexibility and professional judgement may also be required when deciding whether to proceed with a statutory investigation.

### **3. Flooding Investigation Process**

- 3.1 The decision to formally enter into a section 19 flooding investigation will be taken by the Director of Development Services within the City Council. The investigation will be led by the Land Drainage and Flood Risk Management (LD&FRM) team in the Development Services directorate.
- 3.2 The LD&FRM team will be responsible for capturing all evidence and information deemed necessary to support the investigation. Should a significant flooding incident occur outside normal working hours, initial evidence will be gathered by the Council's appointed emergency response contractor using the investigation sheet at Appendix A of this report.
- 3.3 Following evidence gathering, an initial assessment will be made into:
  - a) the cause, source and mechanism of flooding;
  - b) the consequences - including those properties, persons and infrastructure affected.
  - c) the risk management authority responsible for managing the flood risk.
  - d) what has been done or is being done.
- 3.4 The LD&FRM team will contact the relevant flood risk management authorities and convene a multi-agency review meeting at which the evidence and initial assessment will be reviewed and agreement reached on any further actions including timescales.
- 3.5 The City Council will write a draft investigation report and present to relevant risk management authorities for agreement.
- 3.6 Following agreement, the City Council will publish the report and notify the relevant risk management authorities.



**APPENDIX A  
SHEFFIELD CITY COUNCIL  
FLOODING SITE INVESTIGATION SHEET**

(Please complete and return to the Land Drainage & Flood Risk Management Team, Floor 4, Howden House, tel: 0114-2735847, E-mail: Land.Drainage@sheffield.gov.uk )

DATE AND TIME:

INSPECTED BY:

LOCATION:

NATURE OF FLOODING:

FLOODING DEPTH:

<0.1m

0.1m - 0.3m

>0.3m

EXTENT OF AREA FLOODED (indicate on plan)

<5m<sup>2</sup>

5 - 20 m<sup>2</sup>

>20m<sup>2</sup>

SUSPECTED CAUSE & SOURCE OF FLOODING:

CONFIDENCE IN CAUSE & SOURCE:

LOW

MEDIUM

HIGH

RESIDENTIAL PROPERTIES FLOODED INTERNALLY (number)

COMMERCIAL PROPERTIES FLOODED INTERNALLY (number)

CRITICAL INFRASTRUCTURE AFFECTED/AT RISK:

PHOTOGRAPHS:

OTHER COMMENTS:

SKETCH PLAN/FLOOD OUTLINE