

REDDITCH BOROUGH COUNCIL

**EXECUTIVE
COMMITTEE**

10th November 2010

SCHEME OF DELEGATION – LAND DRAINAGE ENFORCEMENT

Relevant Portfolio Holder	Cllr Brandon Clayton – Housing, Local Environment and Health
Relevant Head of Service	Guy Revans - Head of Environmental Services
Key Decision	

1. SUMMARY OF PROPOSALS

To seek the Committee's approval of revised financial limits in the Scheme of Delegation in respect of Land Drainage enforcement.

2. RECOMMENDATIONS

The Executive Committee is asked to RECOMMEND that

the Council revise the limits in the current Scheme of Delegation in respect of Land Drainage enforcement to £10,000 per occurrence.

3. BACKGROUND

- 3.1 The Council has successfully applied existing policies to date, albeit that Officers have been limited by the current nominal limit of £500.
- 3.2 Where the Council incurs expenditure through carrying out works in default of a Notice, recompense from the landowner is set out by legislation. To date, there have been no recent instances where the Council has had to invoke this element of the procedures.
- 3.3 Consequently, Officers are increasingly having to negotiate with third parties which is a very time-consuming process. It is recognised that if Officers are enabled to move earlier to formal enforcement without having to refer to Members on most occasions because of the current financial limits, then a more effective service can be provided.

4. KEY ISSUES

The Council has enforcement powers as a Land Drainage Authority under appropriate current Land Drainage legislation.

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5. FINANCIAL IMPLICATIONS

None. Where expenditure in carrying out works in default occurs, procedures for recovery of Council's costs are set out in appropriate current Land Drainage legislation.

6. LEGAL IMPLICATIONS

The Council has a duty to comply with the:

- a) Environment Act 1990;
- b) Land Drainage Act 1991;
- c) Flood Risk Regulations 2009; and
- d) Flood and Water Management Act 2010.

7. POLICY IMPLICATIONS

Land Drainage has been a high priority issue for Members. In order to ensure policies are complied with, it may be necessary for us to remind reluctant landowners by means of enforcement. Poor or a lack of proper maintenance will not be tolerated where this poses unacceptable flood risks to adjacent properties and/or highways.

8. COUNCIL OBJECTIVES

This item closely interfaces with all Council Objectives as new environmental powers are to be imposed, in addition to existing and enhanced enforcement responsibilities by the new Flood and Water Management Act 2010.

9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

This recommendation helps the Council to maintain and improve flood risk for the area.

10. CUSTOMER IMPLICATIONS

The suggested actions would improve flood risk management and minimise the impact of any future flooding events.

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11. EQUALITIES AND DIVERSITY IMPLICATIONS

There are no equalities or diversity implications.

**12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET
MANAGEMENT**

The revised limit suggested, allows less officer time to be devoted to such matters when compared with the current situation.

13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

13.1 Properly maintained land drainage assets minimise the impacts of climate change.

13.2 Water-based habitats will be maintained allowing appropriate species of flora and fauna to thrive.

14. HUMAN RESOURCES IMPLICATIONS

There are no human resources implications other than savings in administration time.

15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS

There are no governance or performance management implications.

**16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF
CRIME AND DISORDER ACT 1998**

There are no community safety implications.

17. HEALTH INEQUALITIES IMPLICATIONS

There are no health or inequalities implications.

18. LESSONS LEARNT

Current enforcement practices have been adversely affected by the current, low financial limits.

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19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

A possible district based river warden scheme is being considered for urban areas in conjunction with lengthmen for parishes in rural areas. This scheme, if pursued, will be developed in conjunction with relevant partners and referred to Members in advance for approval. It is envisaged that such functions would either be on a voluntary basis or where applicable, supported by the local Parishes and/or LLFA.

20. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Chief Executive	No
Executive Director (S151 Officer)	No
Executive Director – Leisure, Cultural, Environmental and Community Services	No
Executive Director – Planning & Regeneration, Regulatory and Housing Services	No
Director of Policy, Performance and Partnerships	No
Head of Service	Yes
Head of Resources	No
Head of Legal, Equalities & Democratic Services	No
Corporate Procurement Team	No

21. WARDS AFFECTED

All Wards

22. APPENDICES

There are no appendices.

23. BACKGROUND PAPERS

Existing Scheme of Delegation to Officers.

24. KEY

LDA Local Drainage Authority
LLFA Lead Local Flood Authority.

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AUTHOR OF REPORT

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