

ROTHERHAM METROPOLITAN BOROUGH COUNCIL

Streetpride Service

Policy for carrying out Flood Investigations as required by Section 19 of the Flood and Water Management Act 2010

Lead Local Flood Authorities: Duty to Investigate Flooding

Introduction

The Lead Local Flood Authority (LLFA) has a duty under the Flood and Water Management Act (2010) to investigate flood events that occur within its catchment. Section 19 of the Flood and Water Management Act 2010 states that, on becoming aware of a flood in its area, a lead local flood authority must, to the extent that it considers it necessary or appropriate, investigate –

- a) which risk management authorities have relevant flood risk management functions.
- b) whether each of those risk management authorities has exercised, or is proposing to exercise, those functions in response to the flood.

Where an authority carries out an investigation under subsection (1) it must—

- a) publish the results of its investigation.
- b) notify any relevant risk management authorities.

The LLFA Investigating Officer will investigate the cause and publish its findings on the Council web site and notify the relevant party. Private landowners have responsibilities in relation to land drainage and riparian ownership.

The LLFA Investigating Officer will determine whether an investigation should be carried out using the Flood Investigations Guidance detailed below, taking into account the available resources and significance of the event.

Investigation under the provisions of the Flood and Water Management Act this does not include scrutiny of the emergency response to a flooding event. Investigations of this kind may take place under different provisions e.g. the Civil Contingencies Act or local authority scrutiny processes.

Flood Investigation Guidance

The Council's Local Flood Risk Management Strategy states that if 5 or more residential properties are flooded internally then the appropriate investigations will be carried out. The decision about whether an investigation will be carried out will usually be made within 24 hours of learning of the flood event.

The Investigating Officer(s) should consider whether there have been any reported cases of personal injury, the nature of the injury, and the number of people injured. The determining factors also include the depth and velocity of flooding and/or the source of flooding.

A minor flooding event may be worthy of consideration if it recurs frequently, causing damage or posing a public nuisance.

Critical infrastructure includes motorways, A roads, railways and railway stations, electricity sub-stations and switching centres, power generating facilities, bridges, flood defences, water treatment works, etc. and should be investigated if at high risk of flooding.

Investigation works may be required where vulnerable individuals include younger people, older people, and people with disabilities or health problems, including hospitals, care and nursing homes, schools, etc.

Where it is determined that an investigation should be carried out, the Investigating Officer will attend the location and complete an investigation to establish which risk management authorities hold relevant flood risk management functions in relation to the flood event. The response time by the Investigating Officer will depend on the circumstances and safety considerations of the flood event. The Investigating Officer will notify any relevant risk management authorities to establish if they have or are intending to exercise their function in response to the flood.

Following the investigation, the Investigating Officer will complete a report on the results of the investigation, brief appropriate internal authorities, and then publish the report on the Council's website.

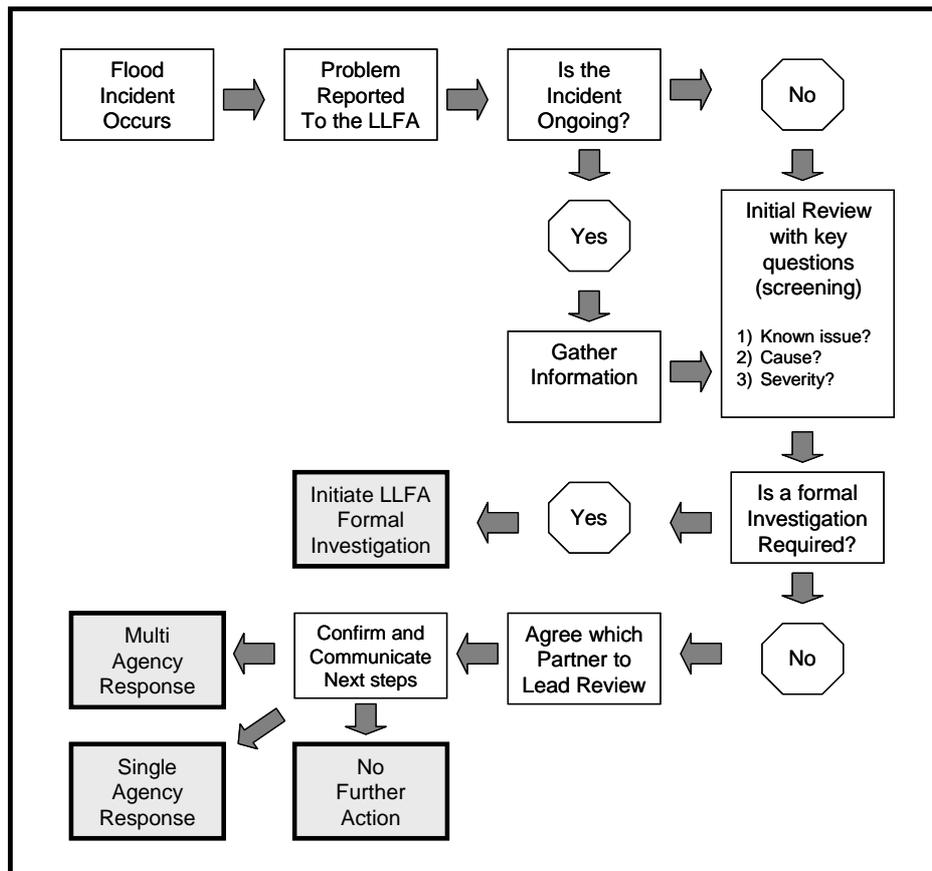
The Investigating Officer will endeavour to keep the affected customer(s) informed throughout the process. Where the determination will not result in a formal investigation the Investigating Officer will attempt to assist the customer in identifying the source of flooding and advise accordingly.

Where a number of flood events are reported simultaneously, the reports will be prioritise according to the information received. Most investigations will be carried out during normal working hours however some incidents may occur out of hours, in these cases this will be forwarded to the Council's Standby Coordinator.

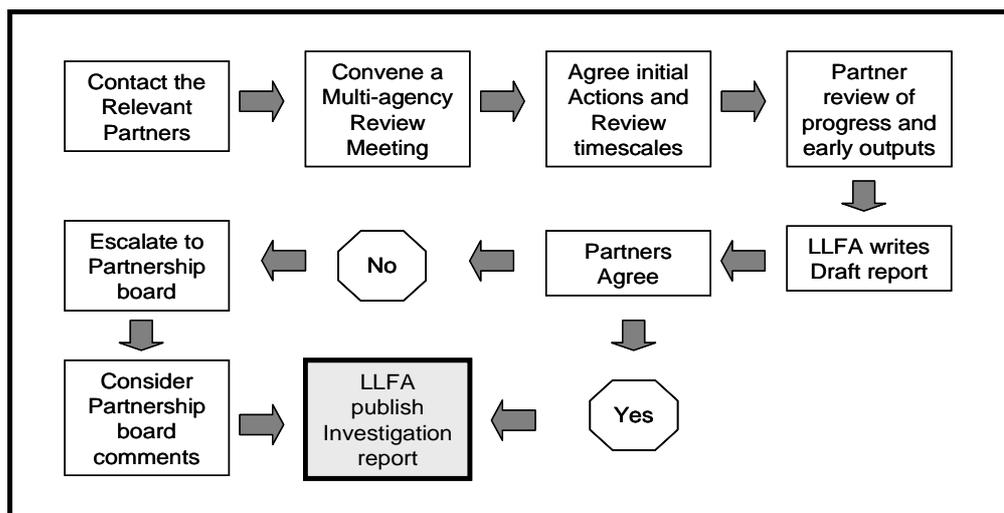
Process for Determining a Formal Investigation

The investigation of flooding often requires input from partner organisations, and it may often be more appropriate for them to lead the investigation where the cause is believed to relate to their assets or areas of responsibility.

Initial Screening Process



LLFA Formal Investigation Process



Investigating Flooding Outside the Requirements of the Act

It is important to stress that flooding which isn't formally going to be investigated can, and should, still be reviewed, logged and be considered in terms of the appropriate next steps.

Indeed, investigations that are not required to meet the formal requirements of the Act may benefit from being able to move more quickly into the solution development and implementation phase, with partner organisations finding it easier to share information and work together under less formal arrangements.

Recording of Section 19 Investigations

All investigation carried out under Section 19 of the Act shall be recorded and all relevant data be stored by the LLFA and on the LLFA database for record purposes.

The results of the investigation works shall be published on the Council web site for public viewing.

Procedure for Section 19 Flood Investigations by LLFA

For details refer to Appendix A and Appendix B.

APPENDIX A

Procedure for Section 19 Investigation of Flood Events

1. Becoming aware of a flood event

There are a number of channels where the Investigating Officer can become aware of a flood event, including telephone, e-mail and similar:

- Rotherham Connect
- Direct contact from an internal department/officer/councillor
- Direct contact from a member of the public.

All reported flood events will be recorded within the Rotherham Connect to ensure consistency of records. Where an event is reported direct it will subsequently be recorded by the Investigating Officer.

2. Investigating Officer

This is likely to be a member of the Council's Drainage Section headed by the Drainage Manager or similar.

3. Lead Officer or Manager

This will comprise of a senior officer from the Drainage Section, Emergency Planning Team, or a senior officer in EDS. The group will provide support/scrutiny of the determinations of the Investigating Officer. The group will largely operate on a virtual basis but will convene at least once a year to review the determination and flood investigation process.

4. Response Time

Normally within 4 hours, if it has been determined that an investigation should be carried out, attendance by the Investigating Officer will be as circumstances and safety considerations allow. The response time will vary for each investigation dependent on the time of day, location of the Investigating Officer when informed, number of consecutive flood events reported, the level of traffic disruption, safety considerations and local circumstances of the flood event.

5. Notification procedure

Where an investigation identifies any risk management authorities with a relevant flood risk management function in relation to the particular flood event, the Investigating Officer will notify the authority through the established method preferred by the individual authority.

6. Reporting procedure

Each investigation will be formally documented by the Investigating Officer. The report will detail the results of the investigation which will be published on the Council's website in due course, following the briefing of appropriate internal authorities.

Officer(s) should obviously take into consideration the severity of the flooding effects. External flooding in a garden area is not necessarily going to trigger an investigation, however internal flooding will usually be considered for investigation. If any vulnerable individuals are placed at risk, or if the services provided to them are disrupted, then this should warrant action.

7. Economic Disruption

It will be necessary to consider the relative impacts of flooding of commercial property. In some cases, flooding of a single commercial property could no more warrant investigation than flooding of a single residential property; but in other cases, the serious flooding of a large, single property could be extremely disruptive to the economic functioning of a community or have significant impact on a local or regional economy, and would therefore certainly trigger an investigation. Other causes of economic disruption should be covered by consideration of impacts upon infrastructure.

8. Environmental / Bio-diversity Considerations

Flooding can pose a threat to ecosystems and nationally and internationally protected habitats and species. Common causes for concern are protected or important habitats, or the threat posed to biodiversity by polluted water flooding inland areas.

9. No Clear Responsibility

The overall purpose of the statutory duty to investigate is to enable lead local flood authorities to establish which authorities have relevant flood risk management responsibilities for the flood event, and whether they have or will exercise their powers accordingly. If the cause of a flood is unknown, or the responsible authorities are otherwise difficult to identify, then an investigation should follow. It should be noted that flooding incidents will often have multiple causes and therefore responsibility may be attributable to more than one flood risk management authority.

10. Investigation Request

The public interest in an investigation may be taken into consideration. If the LLFA is inundated by requests from the public for an investigation, or if there is widespread interest from councillors and local MPs then, as a democratic institution, the Council may give additional consideration to carrying out an investigation.

In all cases, officers should remember that the key purpose of an investigation is to establish which risk management authorities hold relevant functions and whether they have or are intending to exercise them in response to the flood. These guidelines should enable a consistent approach to be taken to deciding whether or not an investigation should be carried out. Taken together they comprise a framework within which a decision should be taken. The guidelines deliberately do not set numerical thresholds and/or precise triggers in recognition of the fact that all floods will be different and a certain amount of officer discretion will be required in order to implement this duty effectively.

APPENDIX B

Flow Chart for Section 19 Investigation of Flood Events

